

THE PRESBYTERIES OF CUPAR, DUNDEE AND ST. ANDREWS DURING THE TEN YEARS CONFLICT AND DISRUPTION

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by

KENNETH C. BRIAND

A thesis submitted for the degree of Doctor of Philosophy
in the University of St. Andrews

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ABSTRACT

THE PRESBYTERIES OF CUPAR, DUNDEE AND ST. ANDREWS DURING THE TEN YEARS CONFLICT AND DISRUPTION

The Disruption of the Church of Scotland in 1843 was arguably the most important event in Nineteenth Century Scottish religious history.

The prime factor in the dispute which precipitated this crisis was the question as to whether the Church should rule itself through its own courts or be controlled by the secular government. This tension had existed in Scotland since shortly after the Reformation, but by the nineteenth century new factors had become involved. These included the political clash between democratic rights and the privilege of the *ancien regime*, the economic ability of Scots to maintain a church without state aid, the proper interpretation of Scots law, personal prejudice and bias especially on the part of judges and politicians and, not least important, the transfer of civil government to the parliament in London with the consequent loss of contact with Scottish sensibilities.

This study is concerned less with the detail of national events than with the reactions of local churchmen, both clerical and lay, to the events which occurred between 1830 and 1850. It focuses on three adjacent but dissimilar presbytery areas: the industrial area of Dundee where the leaders of public opinion were the entrepreneurial and professional members of the rising middle classes; the largely rural area of St. Andrews where public attitudes were formed by landowners and university professors; and the Cupar Presbytery area where agriculture and industry co-existed and where landowners and the middle classes shared responsibility for the general climate of opinion. This diversity of views is explored in the study as also are the reactions of various groups (e.g., laity, clergy, students) to the judgements of the civil court concerning the Veto Act and to the campaigns for non-intrusion and spiritual independence mounted by Church leaders.

The contrasting responses of the three presbyteries to the allied issue of the Chapel Act are examined, while local preparations for the Disruption are explored in detail and set in the national context.

The final sections of the study are devoted to a careful examination of the local aftermath of the Disruption: the manner in which the three Established presbyteries responded to their loss of ministers and elders and their attempts to recover their earlier social dominance; the ways in which the Free Church developed during the post Disruption years; the differences between the social and economic characteristics of those ministers and elders who adhered to the Established Church and those who joined the Free Church.

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I certify that Kenneth Charles Briand has fulfilled the conditions of the Resolution of the Univesity Court, 1987, No.1 (as amended), and is qualified to submit this thesis in application for the Degree of Doctor of Philosophy.

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Supervisor.

I was admitted as a research student under Ordinance 350 (General No.12) on 1st October, 1986 and as a candidate for the degree of Ph.D. under Resolution of the University Court, 1987, No.1 (as amended) on 18th February, 1987.

The following thesis is based on the results of research carried out by myself, is my own composition, and has not previously been presented for a higher degree. The research was carried out in the University of St.Andrews under the supervision of Dr. D.W.Lovegrove, M.A., B.D., Ph.D., F.R.Hist.S.

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CHAPTER 1

BACKGROUND TO THE CONTROVERSY BETWEEN THE CHURCH AND THE STATE 1690 - 1833

The Disruption of the Church of Scotland in 1843 was the most important event in nineteenth century Scottish religious history. It is doubtful if any community, anywhere in Scotland, no matter how small, was left unaffected by it. Established Church congregations were split, families and friends permanently parted and people were threatened with the loss of their homes and employment.¹

Most authors, writing of nineteenth century Scottish history, who mention the Disruption of the Church do so in terms solely relating to a dispute between the Church and the State over the operation of the 1712 Patronage Act.² While not seeking to deny the centrality of the patronage and, later, the spiritual independence issues in the controversy there is a tendency to ignore other important factors. Political, economic, legal, theological, demographic and cultural factors all played their parts in shaping the responses of Scots on both sides of the dispute as well as those of the government in England.

Such authors also tend to concentrate on the activities of a small number of ministers prominent in the General Assembly of the Church of Scotland. The reactions and motivations of the parish ministry in general, of the eldership and of the lay communicants of the Church tend to be overlooked. This study examines these factors as shown by 72 parish ministers, the members of 65 kirk sessions and the members of congregations within the bounds of the three presbyteries of Cupar, Dundee and St. Andrews during the period 1830 to 1850. The location of these parishes is shown in Maps 1.1, 1.2 and 1.3.

It is considered that the Cupar Presbytery area should be included in this work despite the study of that area by Laird³ fifteen

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1. T. Brown, *Annals of the Disruption*, (Edinburgh, Macniven and Wallace, 1893). (hereafter Brown - *Annals*) pp.353-71.
 2. *An act to restore the patrons to their ancient rights of presenting ministers to the churches vacant in that part of Great Britain called Scotland.* 10 Ann c.12. 1712.
 3. J. Laird, *Religion and life 1793-1865: a study in the social and religious history within the bounds of the Presbytery of Cupar*, (Ph.D thesis St. Andrews University, 1977.)

years ago since the data bases and objectives of his thesis are different from those of the present study.

Laird, in general, restricted his work to 7 (37%) of the nineteen parishes within the bounds of Cupar Presbytery.⁴ His interest included six Presbyterian sects⁵ together with the Baptists, Episcopalians, Roman Catholics and other smaller sects. Laird presents a wide ranging picture of social and religious life in his chosen area over a period of 72 years but does not relate his findings with any other area or with the national scene. His discussion of the Disruption of the Church of Scotland is restricted to some 12 pages and the discussion of the eldership to some 10 pages⁶ rather less than the space he devotes to church finance (14pp.) or to church worship and the sacraments (15pp.)

The present study is concerned with the members of the Established Church congregations in all nineteen parishes within the bounds of the Cupar Presbytery (together with the twenty parishes of St. Andrews Presbytery and the thirteen parishes of Dundee Presbytery) and of the Free Church congregations formed from them in 1843. This study is, in general, restricted to the period of the Ten Years Conflict and the seven years following the Disruption.

The Presbyteries of Cupar and St. Andrews constitute the modern local administration district of North East Fife. Dundee Presbytery consisted of parishes adjacent to the north bank of the River Tay. Nine of these parishes are in the south-west corner of the County of Angus and four are in east Perthshire. The personal characteristics of the ministers and elders who held office within these areas and who supported the two sides of the controversy are also examined and compared.

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4. "The mainly urban parishes of Auchtermuchty, Cupar and Newburgh; Strathmiglo as a parish with one large and three small villages; the rural parishes of Kilmany and Dunbog which contain no villages; the parish of Collessie in which the society was much changed by the advent of the railway." Laird, *Religion and life*, (1977) Intro p.3.
 5. Established, Free, Antiburgher, Burgher, Relief and Reformed Presbyterian Churches.
 6. Laird's discussions of these topics are considered more fully later in the present study.

Fig. 1. 1

(a) Map showing the parishes of the
Presbytery of Cupar c 1840

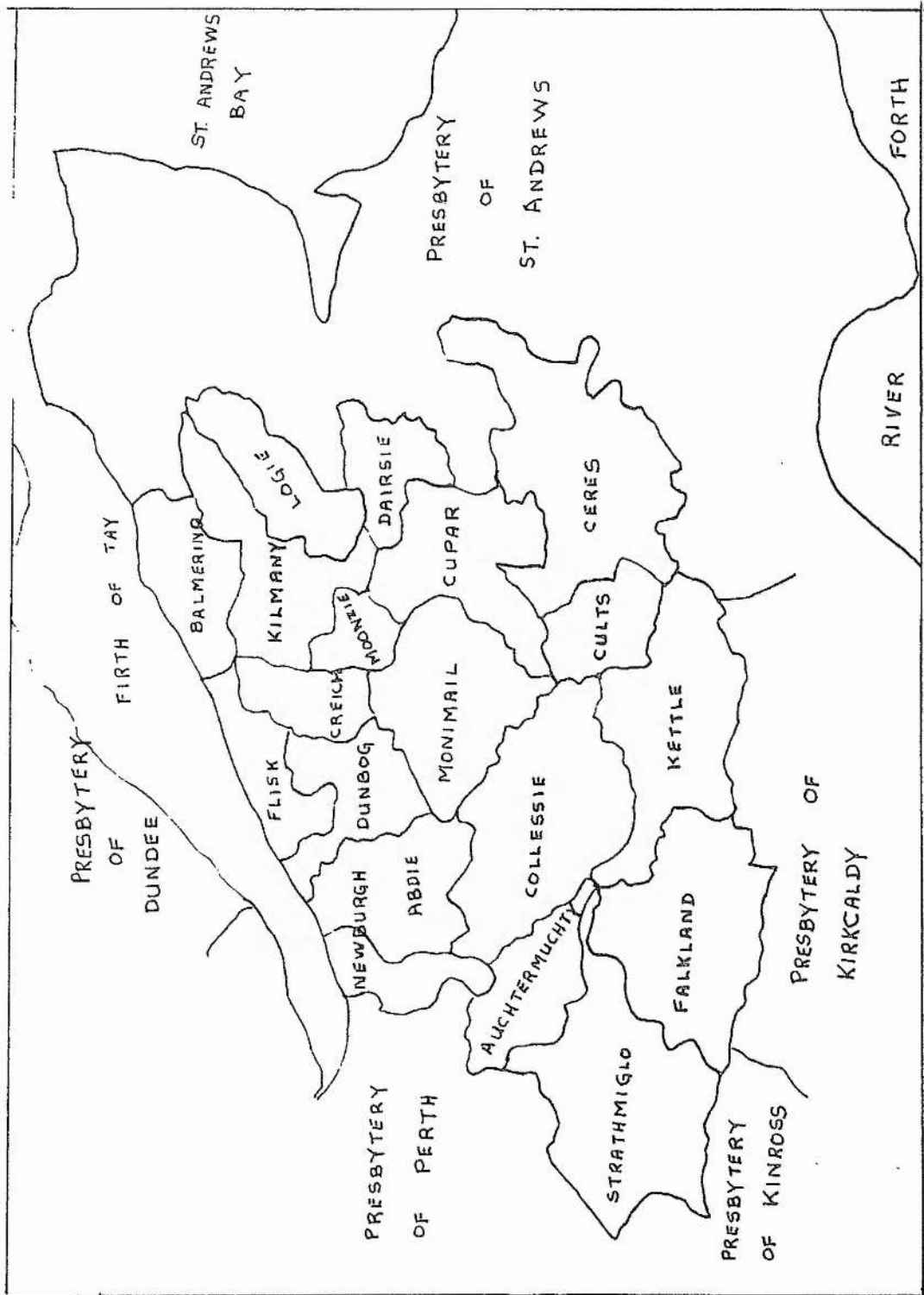


Fig.1. 1

(b) Map showing the parishes of the
Presbytery of Dundee c 1840

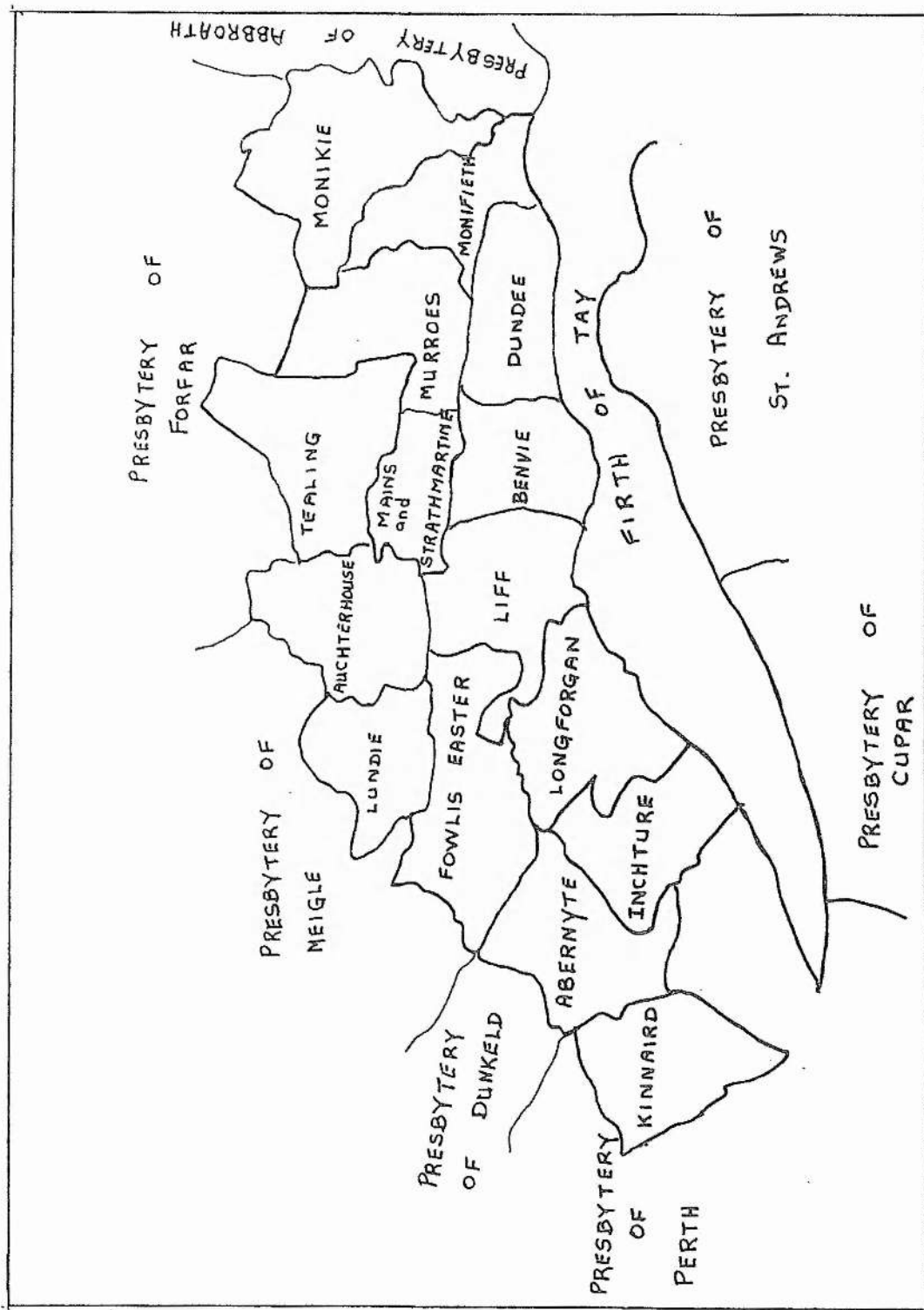
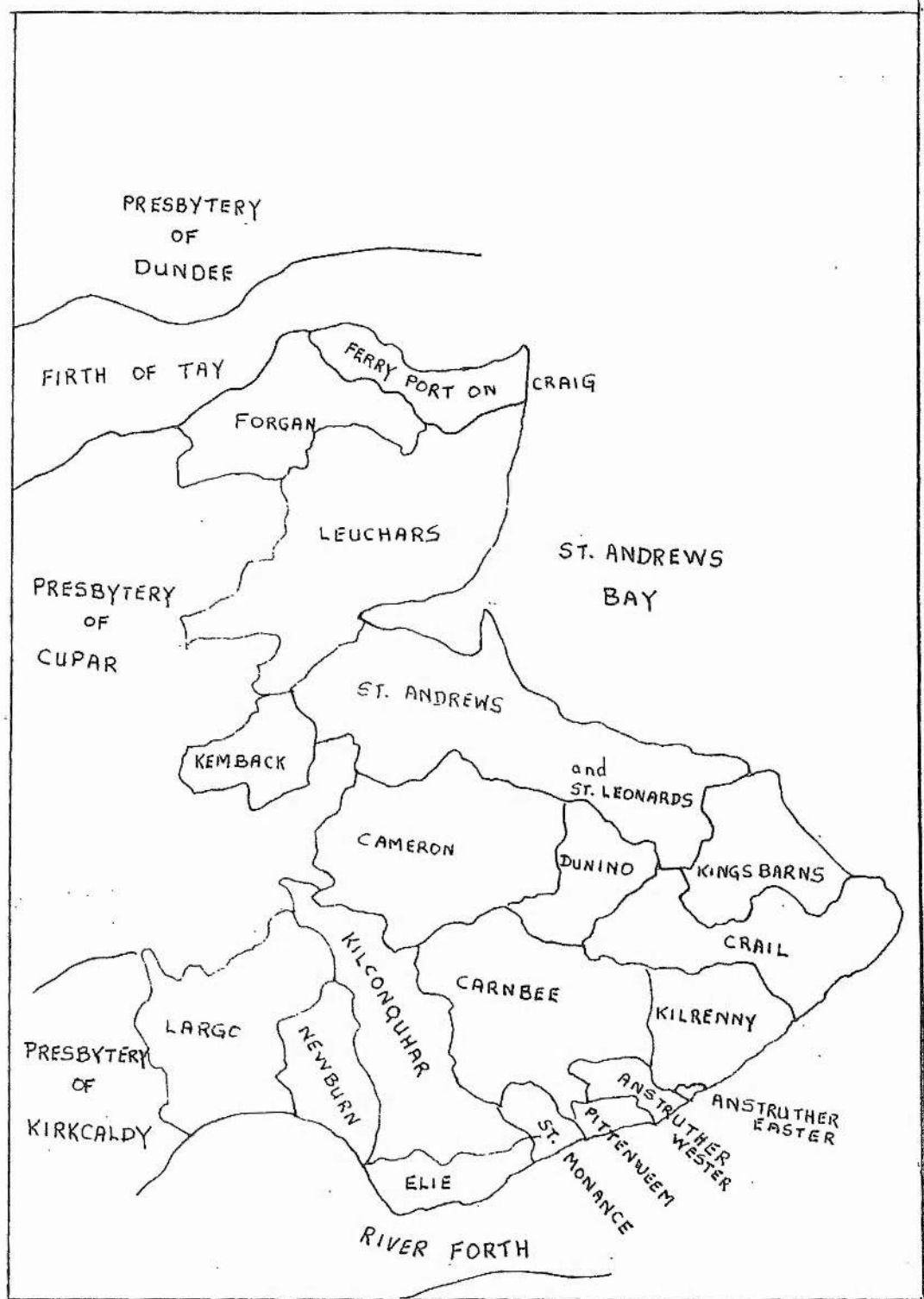


Fig. I. 1

(c) Map showing the parishes of the
Presbytery of St. Andrews c. 1840



The present chapter examines the national events of the eighteenth and nineteenth century history of the Church of Scotland as they affected the nine year period (1834-1843) immediately prior to the Disruption. Chapters 2 and 3 discuss the reactions of various groups of people; ministers, students, elders and laity, to the inroads into the jurisdiction of the church courts made by the judges of the civil Court of Session. Chapter 4 refers to unsuccessful attempts by Scots, in the period immediately before the Disruption, to find a parliamentary solution to the problems of the Church. Chapters 7 and 8 examine the social and economic differences between ministers and elders within the study presbyteries who remained with the Established Church or who joined the Free Church in 1843. Chapters 5 and 6 explore the fortunes of the two churches, in the study area, during the years immediately following the Disruption.

Since the Reformation, the Church of Scotland has been Presbyterian and thus a conciliar church. Nevertheless the Church had, until the nineteenth century, retained certain features of the Catholic Church. One such feature was the parish system of church organisation. In the first half of the nineteenth century there were over 900 such parishes each with its own minister, manse and glebe⁷ and endowed by a tax on the teinds (tithes) of the parish.⁸

The lowest church court was the parochial kirk session. It comprised the parish minister as moderator (chairman) and at least two elders. Its duties included the maintenance of church discipline, the supervision of church ordinances, the administration of the Poor Law and the supervision of schools and roads within the parish boundary.

Direct supervision of a number of parishes in a local area was done by the presbytery.⁹ Officially its members were the minister and one elder from each parish within its bounds. A presbytery had

7. An area of land, usually between five and ten Scots acres, set aside as church property for the use of the parish minister. The minister could farm it himself or rent it out just as he wished.

8. Chap. 7 pp. 197-201.

9. Presbyteries varied in size. In 1830 St. Andrews had 20 parishes, Cupar 19, Dundee 13 and Kirkwall in Orkney only 5.

to judge presentations to vacant parishes in its area, ordain and induct new ministers to fill vacancies and act as a court of first instance in matters affecting church buildings, manse, glebes and churchyards.¹⁰ It also acted as the first court of appeal from rulings of kirk sessions.

The third tier of church courts was the provincial synod which supervised the presbyteries within its bounds. As every member of each presbytery in its area was also a member of synod they varied greatly in size.¹¹ Synods met twice a year in April and October. Apart from spiritual duties they acted as first courts of appeal against rulings of Presbyteries.

Presbyteries and synods were very much ministerial courts. Before 1839 few kirk sessions exercised their right to commission an elder to serve on the higher courts and if elders were commissioned their attendance was irregular. In the Presbytery of Dundee, for example, only the Parish of Dundee commissioned an elder with any regularity and this commissioner seldom attended more than one or two meetings during his period of office. Between 1839 and 1843 the situation changed. A majority of parishes began to commission elders who attended meetings with great regularity. After 1843 kirk sessions again showed their earlier indifference.¹²

The highest church court was General Assembly. Its members (commissioners) were representative ministers and elders from each presbytery together with one elder from each of the universities and the royal burghs.¹³ Commissioners were elected annually usually during

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10. The parish heritors were responsible for the upkeep of all local church property and were often reluctant to spend money on repairs and sometimes had to be prosecuted in the civil courts to recover the costs.
 11. The Synod of Fife had 69 parishes in 1830 while that of Angus and Mearns, including Dundee, had 62. The Synod of Lothian and Tweeddale had 109 parishes and that of Orkney had only 17.
 12. Chap.2 pp.39-41.
 13. The 66 Royal Burghs (whose charters granted a monopoly of foreign trade) could each choose any elder of the Church of Scotland for this purpose. Before the burgh councils were reformed in 1833 an Edinburgh lawyer was a usual choice. Later more local elders were commissioned. See, for example, I.F.Maciver, *The Evangelical Party and the eldership in General Assemblies 1820-43, Records of the Scottish Church History Society* (hereafter RSCHS) 1978. vol.20 pp.1-13

the month of March.¹⁴ General Assembly met in Edinburgh for two weeks in May each year. It reviewed discipline cases and considered overtures (motions) for new church laws from lower courts. A Commission of Assembly (a committee of the whole house) met in June, August, November and March each year to deal with business not completed in May and for urgent matters.

A second characteristic the Church inherited from the Catholic Church, albeit reluctantly, was lay patronage. Lay patronage had first appeared in the twelfth century when landowners built churches on their lands and claimed the right to choose the priest to minister there.

After the Reformation John Knox declared: "...it appertaineth unto the people and to every several congregation to elect their own minister"¹⁵. However, in 1567 Parliament decided that while the examination and admission of ministers was a function of the Church

"...the presentation of laic patronages was reserved to the just and ancient patrons."¹⁶

This situation continued for 85 years before lay patronage was abolished by law in 1649.¹⁷

Following the restoration of the Stewarts in 1660 lay patronage was again legalised and given added force by a demand that ministers admitted under the 1649 act obtain a formal presentation to their charge

14. The usual practice was for presbyteries to commission ministers in rotation so that few ministers attended assembly more often than once in four or five years. However they could be commissioned as elders so that men, like George Cook, University of St. Andrews, could attend every year. It was not unusual for presbyteries to choose Edinburgh lawyers as their elders. Thus John Hope, Dean of Faculty, and George Cook were the St. Andrews Presbytery elders in 1834 (St. Andrews Presbytery minutes 26th March, 1834.)
15. John Knox, First book of discipline Chap. IV sect. ii. *The History of the Reformation in Scotland*, (ed.) David Laing (6 vols. Edinburgh, Woodrow Society. 1868) vol. 2.
16. Anent the admission of thame, that salbe presentit to benefices, haudand cure of ministerie. 1567 Acts of the Parliament of Scotland (hereafter APS) vol. III pp. 23, 37,
17. Act abolishing patronages. 9th March, 1649. APS vol. VI 11 p. 121.

within four months or be removed.¹⁸

After the accession of William II and Mary II in 1689 an act on patronage in 1690 seemed firmly to re-establish the spiritual independence of the Scottish Church¹⁹. This act again deprived the lay patrons of their right to present ministers to vacant parishes and decreed that when a vacancy occurred for a parish minister the protestant heritors²⁰ and elders were to propose a new minister to the congregation for their "approval or disapproval". The local presbytery then had to affirm the candidate's "life, learning and doctrine" were acceptable to the Church before proceeding to ordination. A later act, in 1695, declared there must be an orderly call from the heritors and elders and a legal admission from the Presbytery before any minister could legally hold a charge.²¹ The act did not specify how "an orderly call" was to be made. It was never repealed but seems to have been ignored after the restoration of lay patronage in 1712.

The Act of Union, 1707, ostensibly guaranteed that the Church of Scotland should continue for all time "as at present constituted". Indeed without such a guarantee it is almost certain that the Scottish Parliament would not have agreed to the Union.²² However with the Scottish M.P.s outnumbered ten to one by the English and no machinery for appeals against any breaches of the act by the English it is not surprising some Scots felt there was no real security for the Scottish Church.

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18. Act rescinding & annulling the pretendit Parliaments in the years 1640, 1641 etc. 28th March, 1661. APS vol.VII pp.86-7. Act concerning such benefices and stipends as have been possess without presentations from the lawful patrons. 11th June, 1662. APS vol.VII p.376
 19. Act concerning patronages. 19th September, 1690. APS vol.XI pp.196-77
 20. While Catholics were explicitly excluded Episcopalian landowners were still allowed a say in the selection of Presbyterian ministers.
 21. Act against intruding into churches without a legal call and admission thereto. 5th July, 1695. APS vol.XI pp.420-21.
 22. English Parliament - Act of union with Scotland, 6th March, 1707. 6 Ann c.11.
Scottish Parliament - Act ratifying and approving the treaty of union of the two kingdoms of Scotland and England. APS vol.XI pp.403-13.

The fears of the Scots for the safety of the Church were soon seen to have been justified. Only five years after the Union the new Parliament re-established lay patronage in the Church of Scotland. It has been argued that this act was passed because Scots Tories were determined to exploit the feelings of high-church Tories in England to re-establish their own (largely Episcopalian) control over the Church of Scotland.²³ There is some justification for this point of view since the act gave a lay patron, who was not necessarily a Presbyterian or a Scot or resident in the parish concerned, the right to present any licentiate of the Church for the charge of a vacant parish.²⁴

Robert Buchanan, a Free Church minister, writing shortly after the Disruption, used a late twentieth century tone when he discussed the passing of the 1712 Patronage Act. He wrote:-

"Many, in all probability, of the English members of the legislature neither knew nor cared much about the matter. Scotch questions have seldom obtained much consideration, at any period, in the British parliament. In 1711, national prejudices in the south were particularly strong, and were no doubt easily enlisted by the government of the day in favour of any scheme that promised, as Burnett expresses it, "to spite the presbyterians of Scotland"²⁵

Nevertheless Scottish nationalism in the twentieth century sense was not an issue at the time although there can be little doubt that many Scots felt aggrieved at the disinclination of the English politicians to try to understand Scottish attitudes to religion.

Some modern writers assert that many Scottish nobles and lairds, who claimed the right of patronage in 1712, were Episcopalians who hoped to undermine the Presbyterian church by introducing ministers favouring

23. W. Ferguson, *Scotland 1689 to the present*, (Edinburgh, Oliver and Boyd, 1968) p.59.

24. The Crown, for example, was the patron of seven charges (33%) within the bounds of the Presbytery of St. Andrews, of six charges (30%) in Cupar Presbytery and eight charges (62%) in Dundee Presbytery. Hence the effective patron of these 21 charges was the Home Secretary of the day who was invariably English and a high Anglican.

25. R. Buchanan, *The ten years conflict; being the history of the Disruption of the Church of Scotland*, (2 vols., Glasgow, Blackie, 1852) p.129. The Burnett referred to by Buchanan was Bishop Gilbert Burnett who had published *A history of his own time* in 1818 in which he claimed the 1712 act was intended to "weaken and undermine the establishment of the Church of Scotland."

a return to episcopacy.²⁶ Since the Government was itself patron to c300 parishes throughout Scotland the Church clearly could have been in danger. The Church's chief safeguard was the legal right of presbyteries to test the orthodoxy of presentees. There does not seem to be any grounds for supposing that many, if any, patrons did present men with leanings towards episcopacy. Certainly there are no records of attempts to re-introduce bishops to the Church of Scotland.

It is important to note that while the 1712 act returned to lay patrons the right to present a minister to a vacant parish, subject to the approval by the local presbytery of the presentee's "life, learning and doctrine", it did not specifically remove the right of congregations to "approve or disapprove" of the presentee which had been granted by the 1690 Patronage Act. The relevant section of the 1712 Act reads:-

"The aforesaid act, made in the year one thousand six hundred and ninety, intituled, Act concerning patronages, in so far as the same relates to the presentations of ministers by heritors, and others therein mentioned, be and is hereby repealed and made void."²⁷

While contemporary authorities seem to have been certain that individual parishioners had been deprived of the right to "approve or disapprove" of presentees it is clear that some doubt must exist as to whether this was in fact legally the case.

When a call to John Cook to Cults Parish was moderated in 1832 the document was signed by all the heritors, the three elders and "a number" of fuars²⁸. "Such of the parishioners as chose were allowed to sign a concurrence therewith" but not, apparently, the actual call. Similar incidents are recorded in Auchtermuchty in 1832, in Flisk in 1833 and, again, in Cults in 1834.²⁹

It was more than a decade after the passing of the 1712 act before patrons regularly began to insist on their rights of presentation. As patronal demands increased so did the resistance of

26. for example, J.M.Reid, *Kirk and nation; the story of the Reformed Church of Scotland*, (London, Skeffington, 1960). p.117.

27. 10 Ann.c.12 1712.

28. Men who held land on payment of feu duty. They were, in effect, freeholders who retained the land in perpetuity in return for a fixed annual rent.

29. Cupar Presbytery minutes, 13th April and 15th June, 1832, 2nd April, 1833, 9th May, 1834.

certain churchmen, although most ministers were prepared to accept the provisions of the act. The out-spokenness and anti-patronage attitudes of Ebenezer Erskine and some of his friends led to their withdrawal from the Church of Scotland and the formation of an "Associate Presbytery" within the bounds of the Established Presbytery of Perth. This Church (often known as the Secession Church) soon spread to other parts of Scotland. A congregation in connection with the new Associate Presbytery was formed in St. Andrews in 1738³⁰ and by 1843 there were twenty such congregations within the study area.

Not all opponents of lay patronage felt strongly enough about the issue to leave the Church of Scotland. Thus there grew up two bodies of opinion within the Established Church - the Moderate and the Popular parties.³¹ The theological differences between these parties were narrow but significant. However,

"Moderates were content to teach the commonplaces of natural or rational theology and to inculcate the prudential virtues. Evangelicals [Popular party] laid emphasis on the great Christian doctrines of sin, grace and redemption, and their aim was to awaken in their hearers a deeper personal religious experience".³²

The real differences between them arose over their attitudes to lay patronage and the involvement of the civil government in the affairs of the Church. The Moderates became increasingly Erastian as the eighteenth century progressed so that by the late 1830s they were prepared to allow, without protest, the civil power to overturn decisions of Church courts even in what were clearly spiritual matters. Evangelicals³³, in general, were opposed to any State interference in matters which were the province of the Church.

Clearly there could be wide differences of opinion about what was properly a matter for the Church and what was a matter for the

30. This congregation is now known as Hope Park Church.

31. These groups of like minded men are usually referred to as parties although they were not subject to the strict control and organisation associated with modern political parties.

32. J.H.S. Burleigh, *A church history of Scotland*, (London, Oxford University Press, 1960). p.328.

33. By the early nineteenth century the Popular Party (so called because of their support of the rights of ordinary members of the Church) was becoming known as the Evangelicals. Despite this it would be wrong to assume that all Evangelicals were opposed to lay patronage in the Church.

State. The only real solution to the problem would have been for Parliament to legislate on the situation. Even in the early 1840s when it was obvious that some legislative solution was needed to save the Church of Scotland, both Whig and Tory governments in London refused to support the introduction of any legislation, aimed at defining the powers of the civil and church courts in Scotland, partly from fear of losing votes in general elections.

Recently it has been suggested that Moderate support for lay patronage was, in part, based on civil law. Since the Church of Scotland, the Moderates argued, was established by law the Church must submit to the regulation of its affairs by civil law. Such submission included obeying the Patronage Act since it also was a law. The only alternative would be for the Church to cease to be established with the consequential loss of State benefits. Another reason for Moderates supporting patronage was that they believed patrons presented a superior quality of clergy to parishes. Presentees, unlike men chosen by popular election, were thought to be free of the "vulgar" prejudices of most Scots and to be men capable of exerting a civilising influence on the lower social orders.³⁴

This view of their beliefs does not show the Moderates in any favourable light. It shows them servilely obeying the earthly king in order to retain a comfortable living and other financial benefits from the State and, by implication, neglecting their sworn obedience to the Heavenly King.

Moderates, in this view, are also shown as arrogant. They, having been given their charges by patronal presentation, were better ministers, free of 'vulgar' prejudices and capable of civilising the lower orders. Ministers elected by their congregations, such as those of chapels of ease, were thus inferior in quality, were 'vulgarly' prejudiced and incapable of exerting any beneficial influence on the poorer members of their flocks. While, without doubt, there must have been ministers who fitted one or other of these stereotypes the vast majority of ministers, presented or elected, did not.

34. S.J. Brown, *Thomas Chalmers and the Godly commonwealth*. (Oxford, Oxford University Press, 1982). p.45.

By the early 1750s the Moderates had established firm control over the General Assembly. Under their regime any objections to a presentee, which members of a congregation might have, were increasingly ignored. At the same time decreased importance was given to the document known as the "call".

This was a document which a presbytery had to produce at its meeting to moderate a call to a minister or probationer presented as the next incumbent of a vacant parish. Parishioners were asked to sign it as an indication they were willing to accept the presentee as their minister. Churchmen held different opinions on the purpose of the call. Many Moderates held that, as a formal presentation from a legitimate patron legally entitled a presentee to the cure of souls in a parish, the call was no more than an expression of welcome by the parishioners. Holders of this opinion believed that although a call was necessary the number of signatures on it was of no importance - one signature was enough for them. A call to George Dickson to the Parish of Kilrenny, signed by only one parishioner, was accepted by the Commission of Assembly in 1835.³⁵ Indeed, William Gibb is said to have been ordained to the Parish of Kilmany in 1761 without a single signature on his call.³⁶ Many Evangelicals and others held the call to be a vital part of the induction procedure. According to this view at least half the parishioners should sign a call before a new minister could be validly inducted.

Some ministers objected to taking part in enforced inductions and began to absent themselves from presbytery meetings called to intrude a minister to a vacant parish. On some occasions a presbytery could not carry out an induction because of the lack of a quorum. Following one such incident at Inverkeithing, in 1751, Thomas Gillespie, minister at Carnock, was expelled from the Church in 1752. He continued to act as the minister of a small congregation of

35. Acts of the General Assembly of the Church of Scotland (hereafter AGA.), abridgement p.77. 2nd July, 1835.

36. R.Small, *History of the congregations of the United Presbyterian Church*, (Edinburgh, Oliver and Boyd, 1904). p.177

adherents and, with three friends, founded the Relief Church in 1761.³⁷ This Church was not as successful in attracting adherents as the Secession Church. As a result by 1843 there were only six congregations in the Cupar Presbytery area, two in the Dundee area and none in St. Andrews.

When a failure to induct a presentee was reported to the General Assembly or its Commission a committee would be sent to the parish to act as a presbytery and carry out the induction. Such committees, often known as "riding committees", inducted ministers to the parishes of Kinross, Muckhart, Bessie and Kettins among others. The riding committees at times met with opposition from parishioners and in order to carry out their task were forced to obtain the help of the army. In addition to other places, troops were used at Torphichen (Presbytery of Linlithgow) in 1750, at Kettle (Presbytery of Cupar) in 1778 and at Newburgh (Presbytery of Cupar) in 1785.³⁸ Possibly the most well known of all intrusions using troops is that of Micah Balwhidder to the Parish of Dalmailing in 1760.³⁹ On these occasions it was usual to use English troops to avoid a clash of loyalties. Thus "...the Depot of the 71st (H.L.I.) [being] drilled in Huntly square as a show of strength in 1842 to place a Minister at Glass" (six miles away on the Dufftown road) marked a new departure from the normal practice.⁴⁰

The Scots were not alone in having parish clergy thrust upon them by soldiers. In France, after the Concordat between Napoleon and Pope Pius VII was signed in July, 1801, troops were sometimes used to intrude non-juring priests to charges.⁴¹

37. H. Scott (ed.), *Fasti Ecclesiae Scotticanae, the succession of ministers in the Church of Scotland from the Reformation*, (8 vols. Edinburgh, Oliver and Boyd, 1915-1950) (hereafter Scott, *Fasti*). vol.V.

38. The Witness 20th April, 1842. Scott, *Fasti* vol.V p.159.

39. John Galt, *Annals of the parish or the chronicle of Dalmailing during the ministry of the Rev. Micah Balwhidder written by himself*, (1st published 1824). Chap.1.

40. D.M. Henderson, *Highland Soldier*, (Edinburgh, John Donald, 1989) p.219. quoting *The H.L.I. Chronicle* No.15, July, 1896. p.712.

41. H. McLeod, *Religion and the people of Western Europe 1789-1970*, (Oxford. Oxford University Press, 1981). pp.13-14.

The Moderate policy of intruding unpopular ministers to vacant charges and disciplining, even deposing, other ministers who refused to agree with and carry out that policy caused ministers and laity to leave the Established Church in increasing numbers. By 1843 the Secession and Relief Churches, together, comprised a total of 510 congregations.⁴²

The last two decades of the eighteenth century saw the emergence of further problems for the Church of Scotland which were not related to the patronage issue. The most important of these was the effect of demographic change on the parish system.

The Agricultural Revolution was in the process of causing a decrease in the demand for non-specialist farm-labourers. At the same time the Industrial Revolution was creating an increased demand for factory and associated workers in new industrial towns. The result of these two pressures was a trend to de-population in rural areas and a growing population in urban areas. The latter trend meant there could be a sudden large growth in the number of people in a town parish which made it almost, if not completely, impossible for one minister, with one kirk session and one church building, to provide the people with the necessary religious services and spiritual oversight. This trend continued well into the nineteenth century.

Between Webster's enumeration of the population of Scotland in 1755 and the 1841 census, the population of the country increased from 1 265 380 to 2 620 184 (107%). Within the study area the population of St. Andrews Presbytery increased by only 27%, that of Cupar Presbytery by 67% while the population of Dundee Presbytery went up by 270%. At a parish level the range of population change was even greater. Between the 1790s (the date of the Old Statistical Account) and 1841 the population of the rural parishes of Kilmany (Cupar Presbytery) declined by 24% and that of Cameron (St. Andrews Presbytery) by 43%. During the same period the population of the Parish of Dundee increased from

42. J. Reid, *Kirk and nation*, 1960. p.121.

4 000 to 61 540 (1 439%).⁴³

Obviously the Church needed to be able quickly and cheaply to divide overlarge parishes as the need arose but was prevented from doing so by the "Act anent plantation of kirks and valuation of teinds".⁴⁴ This act declared that a parish could only be divided if two-thirds of the heritors of the parish agreed. Heritors were loathe to do this as such a move would have affected their pockets.

The alternative chosen, albeit reluctantly, by the Church was setting up chapels of ease in crowded parishes.⁴⁵ The Government in London refused to grant funds either for the erection of necessary church buildings in lowland towns or to endow stipends for their ministers. The Moderates were reluctant to use voluntary methods of raising funds for the purpose and put obstacles in the way of chapels of ease being built and opened. It was not until Thomas Chalmers became the convener of the General Assembly committee on Church extension in 1834, after the enactment of the Chapel Act, that any real progress was made.⁴⁶

The erection of chapels of ease brought more problems for the Church in the shape of demands from chapel ministers for seats on church courts and for independent kirk sessions. These problems were solved, temporarily by the passing of the Chapel Act.

The last decades of the eighteenth century and the early part of the nineteenth also saw the full flowering of the "Scottish Enlightenment". This period of intellectual and cultural development

43. A. Webster, Account of the number of people in Scotland in the year 1755, in J.G.Kyd, *Scottish population statistics including Webster's analysis of population, 1755*, (Edinburgh, Scottish History Society, 3rd series, vol.43, 1952). 1841 Census of Great Britain. Old Statistical Accounts for the parishes of Kilmany, Cameron and Dundee.

44. APS vol.XI p.433. 1707. See also Chap.3 p.60.

45. Chapels were, in effect, churches erected in an existing parish with the object of providing extra seats for parishioners to attend worship. Each had a full time fully ordained minister who received a stipend of about £80 a year. This minister was denied a seat on church courts and was unable to exercise discipline over his flock as he had no kirk session of his own. Such activities were done by the parish kirk session.

46. AGA 1834 - Act IX Declaratory enactment on chapels of ease, pp.27-28. Abridgement pp.53-6, 61. See also Chap.3 pp.60-69,

which spread to most classes of society, brought many problems for the Establishment, including the Church. Under its influence men, and women, learnt to question accepted tenets in a wide variety of subjects. The questioning attitudes spread to politics, theology and the organisation of the Church of Scotland. Prominent in these areas of life were demands for change in the electoral franchise and in the use of patronage. These demands remained muted during the wars with France but became increasingly urgent following the final defeat of Napoleon in 1815.

For generations patronage had been a common practice in many aspects of life not only in Scotland but throughout Britain, as in other countries. By the 1800s, however, people were beginning to question the ethics and effectiveness of the practice. This was especially so in the Church where its untestricted use clashed with growing aspirations for more personal involvement in matters affecting people's lives. Thus three groups began to emerge in the Church. One supported the *status quo*. A second was content that patronage should continue provided objections could effectively be made by parishioners against a presentee to whom they objected. The third group sought the total abolition of lay patronage.

There is no doubt that men holding these diverse opinions existed in Dundee as early as 1783. In that year the Dundee kirk session sought the support of the Burgh Council in an application to Parliament for the abolition of lay patronage. The councillors appear to have been horrified at such an idea. They replied:-

"They were of the opinion that the right of patronage was founded on the soundest principles of reason and expediency, and that an alteration would be a violation of private right and highly endanger the public tranquility"⁴⁷

It is sometimes difficult to see why patrons were so reluctant to give up their rights to present to vacant parishes. A patron of a parish could not sell a presentation direct to an aspiring minister without exposing both of them to charges of simony. However the right to present could be sold to a third party who could make the presentation. Sir George Sinclair, in introducing an anti-patronage

47. J. Rollo, *Dundee historical fragments*, (1911), p.42

petition to Parliament in 1834, claimed such deals were common in Scotland as a cheap way of providing for a son or nephew.⁴⁸

That such transactions did occur is quite clear from contemporary newspaper reports. One such report states that in 1825 Lady Mary Lindsay Crawford, the patron, sold a presentation to the Parish of Ceres (Presbytery of Cupar) to J.S. Kinmonth, preacher of the Gospel⁴⁹, for £500. Two years later Kinmonth was charged with passing forged notes, absconded and was outlawed. Lady Mary then re-sold the right of presentation to someone else for £400. She died before there was an opportunity to make a presentation and the second purchaser was repaid from her estate.⁵⁰

Commenting on this report the writer continued:-

"This transaction being in the regular transfer of the life rent right of patronage was strictly within the pale of the law. That betwixt Lady Mary and Mr. Kinmonth was the reverse and furnishes one of the numerous instances of simony, rights of presentation are made subservient to the rapacity of patrons and the secular mindedness of Churchmen."⁵¹

It is apparent that the writer was using this story to exemplify a fairly common state of affairs which continued for some years.

Early in April, 1838 a roup of the patronage of the united parishes of Broughton, Glenholm and Kilbucko in Peeblesshire was held in the Old Signet Hall in Edinburgh with an upset price of £300. Competition to obtain the gift of this pastoral charge was so keen that it was finally sold for £585/-/- . Even at this price it was a bargain since the stipend of the incumbent was £250/10/- p.a., with a glebe worth another £64/14/9.⁵² James Laird claims, on the basis of two letters to the editor of *The Fife Herald* newspaper, that the patronage of the parish of Dairsie was purchased by "The Society for

48. Hansard 3rd series vol.21 col.207. 11th February, 1834.

49. The terms preacher of the Gospel, licentiate of the Church and probationer were used interchangeably to refer to ex-students who had satisfied the Church they were suitable to become ministers and who were waiting for a presentation to a parish before being ordained.

50. In fact Joseph Crichton, the minister of Ceres, did not die until 1849 aged 94. (Fasti vol.5 p.132)

51. Dundee Advertiser 28th December, 1833.

52. Dundee Chronicle 14th April, 1838. Dawson, *Statistical history*, (1855) p.755.

Improving Church Patronage in Scotland" in 1826.⁵³ He implies that this was an outright purchase. In this he appears to have been wrong because shortly before the Disruption the Earl of Elgin advertised the sale of his right to present to the Parish of Dairsie. He does not seem to have been successful with the sale since the presentation fell to Cupar Presbytery *jure devoluto* in December, 1843.⁵⁴

It must not, however, be overlooked that occasionally a patron had been prepared to allow some choice to church members. In July, 1833 Capt. Hay of Leys, the patron of Newburgh Parish, allowed the parishioners to choose a short leet of three from eleven of his nominees. Hay intended to make the final selection from this short leet.⁵⁵ Similar arrangements were made in 1838 by the Duke of Hamilton for Lesmahago parish and by the Earl of Buchan for Uphall parish. The Earl, however, insisted that the male heads of family who voted did so "with hand on heart and declare he gave the vote according to his conscience". Earlier that same year Lady Willoughby de Eresby, patroness of Kilmadoch parish (Perthshire) allowed the male heads of family in the parish a completely free choice of five candidates.⁵⁶ On the other hand the trustees of the Duke of Atholl refused to allow any choice to the parishioners of Clunie.⁵⁷

Local politicians were not averse to using the situation to attract votes. In 1831 the then Dundee Burgh Council promised, if re-elected, to allow congregations in the churches of which the Council was patron, a free choice of minister whenever there was a vacancy. After the elections following the reform of burgh councils by Parliament in August, 1833 the newly elected council of the Royal Burgh of St. Andrews decided to devolve their patronage of the second charge of the parish on to the male heads of family who had been in full communion

53. James Laird, *Religion and life*, (1977). IIIbp.1.

54. Fifehire Sentinel 27th April, 1843. Cupar Presbytery minutes 19th December, 1843.

55. Newburgh Kirk Session minutes 12th July, 1833.

56. Fife Herald 8th and 15th November, and 12th April, 1838.

57. Fife Herald 22nd November, 1838.

with the parish church for the previous three years.⁵⁸

After the abolition of the Scots Parliament in 1707 the General Assembly became the only national forum for the expression of Scottish opinion. It was, thus, no mere co-incidence that by the 1830s agitation for parliamentary reform and for reform of the Church of Scotland came together.

The demand for more say in Church affairs by the laity, especially among the rapidly expanding and increasingly wealthy middle-class, was, in part, responsible for the growth of Popular Party representation in Church courts and for demands for, at least, the modification of the way in which lay patronage was applied. Evidence of the increased influence of the Popular Party in the Church, during the late 1820s and early 1830s, comes from the steadily growing number of overtures to General Assembly supporting the abolition or modification of lay patronage. The increase in the number of overtures was matched by a steady decline in the size of the majority against them.

Typical of many overtures to Assembly was one from Dundee General Session in 1831. This declared that a call was an essential, constitutional step in the settlement of a minister and asked Assembly to take measures for "securing to the people more effectively the right of call in the settlement of ministers".⁵⁹ In 1832 eleven overtures arguing the importance of calls were rejected by General Assembly. An unrecorded number of similar overtures were rejected the following year by a majority of twelve.⁶⁰

Opponents of the exercise of unrestricted lay patronage in the Church were also active outwith its courts. Petitions against patronage were presented to Parliament in increasing numbers. Included among these was one from "seven ministers and over forty

58. Dundee General Session minutes, 15th June, 1831. St. Andrews Burgh Council minutes 27th November, 1833.

59. Dundee General Session minutes 14th August, 1831.

60. AGA 1832 - abridgement pp.41-42. Dundee Advertiser 31st May, 1832. AGA 1833 - abridgement p.49,

elders" in Dundee and one from the Burgh Council of St. Andrews.⁶¹ Anti-patronage societies were formed and public meetings held in many places throughout Scotland including Dundee and Cupar. A similar meeting in St. Andrews was interrupted by a group of students from St. Marys College who supported the *status quo*.⁶²

During the period 5th February to 30th June, 1834 over 240 petitions from committees across Scotland were presented to Parliament seeking a change to the 1712 Patronage Act. Since only about five per-cent of these sought the total abolition of lay patronage it is reasonable to assume that, at this time, most Scots were content with lay patronage provided a presentee, who was felt to be unsuited to a particular parish, could be rejected by the parishioners. In the same five month period Parliament also received about thirty petitions asking that the Act should remain unchanged.⁶³ In this period petitions from "several places" were often recorded as being presented at the same time. Place names were given only if one or two petitions were handed in on the same day. The majority of petitions supporting a change in the patronage law, whose places of origin can be identified, came from what is now known as the "Central Belt" but others came from as far apart as Wigton, Aberdeen and Dingwall. Most of the petitions supporting the *status quo* came from the Highlands, for example, Elgin and the Isle of Skye. The distribution of places of origin of petitions would seem to support a contention that the new, industrial middle-class and the "labour aristocracy"⁶⁴ were active in the campaign for the reform of the Church just they were in the campaign for reform of Parliament and the older, landowning and farming middle-class were against any form of change.

61. Dundee Advertiser 27th December, 1833. St. Andrews Burgh Council minutes 4th December, 1833.

62. Dundee Advertiser, 14th February, 1834.

63. Hansard, 3rd series, 1834. vols. 21-24.

64. In the context of this study "labour aristocracy" is somewhat of an anachronism since it is more usually employed to refer to the top, artisan layer of the working classes in the later nineteenth century. Nevertheless similar groups did exist much earlier and it seems a suitable expression to be used here.

When General Assembly met in 1834 there was for the first time a majority of commissioners supporting the Popular Party. Two important measures were passed during its sittings. The so-called "Veto" Act allowed parishioners to reject unpopular presentees and the "Chapel" Act gave ministers of chapels of ease full ministerial rights within the Church and, with their elders, seats on superior courts of the Church. The controversies raised over these acts, both within the Church and between the Church and the State, were to lead nine years later to the Disruption.

CHAPTER 2

THE VETO ACT

As has been seen religious reform in Scotland meant, for most of the population, the reform of the 1712 Patronage Act¹ which had reimposed the selection of parish ministers by lay patrons who were often unconnected with the Church or parish. Among the reformers there were two schools of thought on the issue. The non-intrusionists were content to allow lay patronage to continue provided parishioners had some part in the selection of a new parish minister. In particular they believed that church members should be able to prevent the induction of a presentee who was considered to be unsuitable for a particular parish. The abolitionists, on the other hand, believed that any form of patronage was an interference with the spiritual independence of the Church of Scotland. The demands for Church reform grew as the agitation for political reform became more successful. The argument became that if men could select their local member of parliament, whom they seldom saw, why should they not also have the right to select their own parish minister whom they saw and heard every week.

The Moderate Party in the Church, ardent supporters of patronage and of aristocratic interests, had controlled the General Assembly of the Church of Scotland from the 1760s until 1834. Under their rule patrons were permitted to appoint whoever they pleased to vacant pulpits. The only limitation to their choice was that the appointee had to be a licentiate of the Church. In any dispute over a settlement a decision by a presbytery against a patron was invariably over-ridden by General Assembly. During the period of Moderate rule, however, the Popular (Evangelical) Party, opposed to Moderate views on patronage, gradually increased in strength within the Church.

At the General Assembly of 1833 Thomas Chalmers moved an overture which sought to give the male heads of family, being in full communion with the Church of Scotland in a vacant parish, the right to dissent from the induction of a presentee without expressing reasons for their dissent. If a majority opposed a presentee the local presbytery was to refuse to proceed further with his induction. This overture was defeated by the

1. 10 Ann. c.12.

narrow majority of 149 votes to 137.²

The following year, 1834, for the first time the supporters of the Popular Party, formed a majority of the commissioners. Calum Brown³ asserts that this success was, in part, due to the increase in the number of Evangelical elders commissioned by the newly revitalised councils of royal burghs⁴ which were entitled to send commissioners to General Assembly.⁵ Before the Burgh Reform Act was passed in 1833 it was common practice for an elder seeking election as a burgh elder in General Assembly to treat the burgh councillors to a free evening's entertainment. While Thomas Chalmers was Professor of Moral Philosophy in St. Andrews in the 1820s he obtained the position of burgh elder for Anstruther Easter. The entertainment of the councillors cost him £6/8/1 in 1825. His 1826 commission was slightly cheaper at £5/11/8 but even this was more than double the two guineas it cost Alexander Monypenny W.S., for the Crail commission. Two years later his commission cost Chalmers the enormous sum of £19/2/9. However before 1834 only some 20% of burgh elders were local officials, merchants or other professional men. The remainder were local lairds or Edinburgh lawyers. After the burgh franchise had been extended there appears to have been a fairly rapid change in favour of local men. The proportion of Edinburgh lawyers among the elders commissioned to Assembly fell from 48% in 1832 to 33% in 1836.⁶

The 1834 General Assembly passed, not without Moderate opposition, two controversial measures - the Act anent Calls, more commonly referred to

2. AGA 1833 abridgement pp.45-6.

3. Calum Brown, *Social history of religion*, 1987. p.32.

4. *An act to alter and amend the laws for the election of the magistrates and councils of the royal burghs of Scotland.* 3 & 4 Wm. IV c.76. 28th August, 1833. This act ended the right of the councils of royal burghs to elect their own successors and provided for the annual election of one third of the councillors by voters with similar qualifications as for parliamentary elections. Since the reform enabled members of churches other than the Established Church of Scotland to sit on burgh councils these men now had a say in the selection of the elder representing their burgh.

5. There were seven such burghs in the study area - St. Andrews, Anstruther Easter, Anstruther Wester, Crail, Pittenweem, Cupar and Dundee. Of these only St. Andrews failed to return an Evangelical elder to the 1834 General Assembly.

6. I.F. Maciver, *The evangelical party and the eldership*, 1978. pp.5,10.

as the Veto Act, and the Chapel Act. At that time the Veto Act, which forms the subject of the present chapter, was widely believed, even by eminent lawyers, to be within the Church's legislative powers. Lord Moncrieff, a judge in the civil Court of Session, actually moved the overture for the Veto Act in Assembly. Lord Brougham, who, as Lord Chancellor, later declared the Act to be illegal, informed the House of Lords that he had received 46 anti-patronage petitions and felt that the General Assembly Veto Act "would go a great way in smoothing the path to a satisfactory conclusion". He went on to say that it was "most satisfactory that the Assembly...had passed such a resolution."⁷

The overture, to Assembly, proposed by Lord Moncrieff was a repeat of the one moved the previous year by Chalmers. There followed a long and often acrimonious debate at the end of which the Veto Act was passed by 184 votes to 139. Buchanan claimed that 95 (52%) ministers voted for the act and 86 against. Of the presbytery elders 42 (53%) supported the act and 38 opposed it. The opinions of the fifty burgh elders were much more decided as only seven (14%) of them were against the introduction of the act.⁸ Buchanan in commenting on this result said:-

"...it is evident that the success of the motion was not due to the preponderating influence or numbers of any one class; but resulted from the convictions which predominated in all the classes of which the assembly is composed. If that predominance was by much the greatest in the case of the burgh elders, the fact serves only to show how popular this reforming movement was throughout the body of the church at large. Of all the members returned to the general assembly, the burgh elders were undoubtedly those upon whom, what might be called the public mind of the church, and even of the community, most directly told."

Only the most biased observer could deny the justice of Buchanan's interpretation of the voting on the Veto Act.⁹

It is clear that the Moderates had feared that the Burgh Reform Act might have the effect of reducing, if not eliminating their control of General Assembly. St. Andrews Presbytery had overtured the 1834 Assembly

7. Hansard 3rd Series vol.25 col.363. 23rd July, 1834.
Dundee Advertiser 1st August, 1834.

8. Of the seven burgh elders from the study area only one, Sir Ralph Anstruther of Balcaskie, commissioned by Anstruther Easter, voted against the act.

9. AGA 1834 abridgement pp.51-2. Buchanan, *Ten years conflict*, 1857, vol.1 pp.261-2. Pres.Rev. vol.5, 1834, pp.518-19.

on the Burgh Reform Act. They claimed the change in the franchise of burghs could affect the election of elders to Assembly "by investing Dissenters and such as are not well affected to the Established Church with the elective franchise" and asked Assembly to take action. The editor of the Dundee Advertiser had earlier issued a similar warning.¹⁰

The Veto Act declared it "was a fundamental law of the Church that no pastor should be intruded on any congregation contrary to the will of the people".¹¹ However Alexander Turner made a cogent point by commenting:-

"About the meaning of these few words [the will of the people] the late controversy may be said to have had its origin. The question is, Are we to understand by 'will', mere inclination, whether reasonable or unreasonable? or are we to understand reasonable will - a will founded on reasons which may be stated".¹²

The question posed by Turner was indeed one, but only one, of the issues over which the Church/State controversy raged.

In essence the Veto Act allowed the male heads of family in a vacant parish to express their dissent from the settlement of a presentee without necessarily expressing any supportive reasons for their dissent. If a simple majority of the heads of family in communion with the parish church expressed dissent then the local presbytery was bound to reject the candidate. There were a number of regulations attached to the act which were designed to control its working. In the light of later events relating to the Veto Act only two of these are important to this study. One declared that dissents without reason could only be presented at a meeting to moderate a call. The other stated that a roll of male heads of family being communicants of a parish church was to be maintained as part of the kirk session records in each parish. This roll, which would be the means of identifying those who could dissent to a presentee, was to be revised and endorsed by the moderator of the local presbytery annually.¹³

10. St. Andrews Presbytery minutes 16th April, 1834.
Dundee Advertiser 28th February, 1834.

11. Act XII *Overtures and interim acts on the calling of ministers*
AGA 1834 p.31.

12. A. Turner, *The Scottish secession of 1843*, (Edinburgh, Paton & Ritchie, 1859) p.33. Turner was a member of the Middle Party.

13. AGS 1834 pp.33-5.

Although the Act was perhaps an infringement of the strict legal rights of patrons and presentees, it was intended by its proposers as a means of making lay patronage more acceptable to the lay members of the Church. This intention was made explicit by Lord Moncrieff when he introduced the overture for the Act in Assembly.¹⁴ That this was the aim of the Act is endorsed by John Hamilton (himself an opponent of the Veto Act) in 1841 when he wrote:-

"Lord Moncrieff was most strenuously opposed to the abolition of patronage, and one main object which he, and the great mass of his supporters, had in view, was to avoid the necessity of such a result, by providing against the felt and practical evils of patronage, conceiving that if these once were removed, the speculative objections entertained by a few, as well as the clamours of the people, would speedily die away, and be no more heard of."¹⁵

One aspect of this legislation which is seldom highlighted is that for the first time it implied a formal acceptance by the Church of lay patronage. For all their acquiescence in and support of the system the Moderates had never gone the length of passing any legislation in Assembly which could be seen as approving of patronage. It is somewhat surprising that contemporary clerical and secular politicians do not appear to have realised this aspect of the matter and supported rather than opposed the Veto Act.

In 1836, Robert Young, a probationer, who had been "vetoed" by the Parish of Auchterarder after presentation by Lord Kinnoul and whose appeals to higher Church courts had been disallowed decided, or was persuaded (it is by no means clear which), to ask the civil Court of Session to adjudicate in the matter. This was to prove the first of a long series of clashes between the Church and the Judiciary over the extent of the jurisdiction available to the courts of the Church of Scotland.

In total there were thirteen major lawsuits arising from the Veto Act¹⁶ as well as numerous applications for judicial interdicts. In each of these cases the judges of the Court of Session reached an eight to five

14. Pres. Rev. 1834 vol.5 p.418

15. John Hamilton, *Remonstrance to the members of the Legislature*, (Edinburgh, 1841) quoted in Drummond and Bulloch, *The Scottish church*, 1973. p.227.

16. Three relating to Auchterarder, three to Marnoch and one to each of Lethendy, Daviot and Culsalmond. In addition there were four relating to the seven members of the Presbytery of Strathbogie who preferred to obey the directions of the civil rather than Church courts.

judgement against the Church. There seems to be little doubt that the personal religious and political biases of the individual judges influenced their opinions in the cases brought before them. Among those who habitually declared against the Church were the Lord President, Charles Hope, and the Lord Justice Clerk, David Boyle. Both were scions of aristocratic families and were strongly Moderate in their views. They, as elders in the 1834 General Assembly, had voted against the Veto Act. Lords Meadowbank, "an indifferent judge", and Medwyn, an Episcopalian who "seized every chance to advance the cause of his church", were staunch Tories who followed the lead given by Sir Robert Peel in the Church/State controversy. Although Whigs, Lords Gillies and Cunninghame were Dissenters and as such were prejudiced against all Established churches. The five judges who supported the cases presented by the Church of Scotland were all Whigs and strongly in favour of the Church.¹⁷

The details of these cases have been well documented and widely discussed over the years.¹⁸ However, since none of these cases occurred in the study area the details are outwith the scope of this chapter. It is enough to note that, as a result of the first Auchterarder case, the Court of Session declared the Veto Act to be an illegal infringement of the civil rights of patrons and presentees. Then, as a result of further judgements, the Civil Court claimed an unprecedented degree of control over the jurisdiction of the Church courts even in what were plainly spiritual matters and thus, according to the Church's constitution and to Scottish law, outwith the control of the civil court.¹⁹

17. I.F. Maciver, *Cockburn and the Church*, in Alan Bell (ed), *Lord Cockburn; a bicentenary celebration*, (Edinburgh, Scottish Academic Press, 1979). pp.95-6. Relevant entries in the *Dictionary of National Biography*.

18. See, for example, contemporary court reports and a wide variety of propaganda pamphlets. Buchanan, *Ten years conflict*, 1852; Brown *Annals*, 1893; Drummond and Bulloch, *The Scottish church*, 1973. The best modern summary and assessment is F. Lyall, *Presbyters and Kings*, (Aberdeen University Press, 1980). chap.3.

19. The Court of Session also claimed the right to decide which presentees should be taken on trials, to impose civil penalties on ministers for infringement of its decrees, to ban heads of family from expressing dissent to a presentee without stating reasons, to override disciplinary sentences passed by General Assembly, to decide which ministers could or could not preach in particular parishes and to appoint ministers, suspended by the church, as a valid presbytery to carry out its decrees.

With hindsight it is easy to see that in passing the Veto Act, General Assembly was right to assume that the 1712 Act of Parliament did not take away the right of congregations, to approve or disapprove of a presentee, granted by the Act of Settlement in 1690. However this latter Act also provided that reasons for objections had to be stated and that presbytery must adjudicate in any dispute. Therefore Assembly was technically wrong to legislate that congregations could object to a presentee without stating reasons and not to allow presbytery to have a role in a dispute. The Court of Session was equally at fault by ignoring the 1690 Act and the weakness of the 1712 Act and asserting the right to decide whether a presentee ought to proceed to trials since to order a particular presentee to be taken on trials meant that the Church was then bound, by the 1712 act, to ordain him if found qualified.²⁰ Certainly the Court of Session had no legal power to inflict punitive civil penalties on ministers for not obeying its instructions to ordain a particular presentee in that the Court had no power to insist on the ordination of a particular individual. None of the acts of the Scottish Parliament relating to the Church of Scotland, nor the 1712 act, gave the Court of Session any power to order General Assembly to accept a particular presentee.

During the period 1835-42 there were nine presentations within the Presbytery of St. Andrews, twelve within the Presbytery of Cupar and five within the Presbytery of Dundee.²¹ None of these led to disputes involving the civil courts. There were serious objections raised to the presentees at Kemback in 1840 and at Kettle in 1842 but these were resolved within the Church courts. In the former case St. Andrews Presbytery misinterpreted the civil court's ruling on the Veto Act²² and the latter

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20. The relevant part of the 1712 Patronage Act reads:-
 "...and the presbytery of the respective bounds shall, and is hereby obliged to receive and admit in the same manner such qualified person or persons, minister or ministers, as shall be presented by the respective patrons, as the persons or ministers presented before the making of this act ought to have been admitted."
21. There were also six appointments to *quoad sacra* charges in Dundee but these were outwith the provisions of the Patronage Act, vide 4 & 5 Wm. IV c.41 30th July, 1834.
22. pp.48-53 below.

centred on suspected improbity.²³

There was an immediate and widespread reaction throughout Scotland to the claims of the civil Court of Session, not only from ministers but from lay people of all walks of life. As the civil court became more extravagant in its claims so did society become more polarised on the issues involved. Buchanan, a leading member of the Popular Party, claimed that Evangelicals held that in spiritual matters the Church was not free to take orders from the civil courts. The Church/State controversy was based on the recognition of the right of the Church to self-government - a right which the State had ratified through acts of Parliament. Buchanan also held that the Moderates assumed that because of the union with the State the Church was bound to let the civil court decide the extent of her spiritual jurisdiction and when it could be applied. Moderate and Voluntary newspapers frequently endorsed this stance.²⁴

Protests and demonstrations against or in support of the claims of the Court of Session became common. The three study presbytery areas were no exceptions to the rule.

LAY REACTION TO THE DECISIONS OF THE COURT OF SESSION.

The most widespread form of protest was the non-intrusionist meeting. Some of these were conducted by national leaders of the non-intrusion movement. Robert Candlish, for instance, spoke to crowded meetings in the Fife fishing burghs and, on the Sunday, filled the Secession and Town churches of St. Andrews during his week long visit to the area in January, 1843.²⁵ Others were conducted by local dignitaries and ministers. David Maitland-Macgill-Crichton²⁶ and four of the local

23. Chap. 8. pp. 229-31 below.

24. Buchanan, *Ten years conflict*, 1853. vol. II pp. 154-5.

25. Candlish was minister of Edinburgh, St. George's and convenor of the General Assembly's Non-intrusion committee. The Witness 18th January, 1843.

26. He seems to have been a powerful influence for the Anti-patronage, non-intrusionist lobby since the Fifeshire Journal, a noted supporter of the Moderate side in the controversy, published a scathing attack on him in a report of a meeting at Abdie on 14th July, 1942. In this it was implied he was a liar and ended "Mr. Crichton always makes a deep and lasting impression when he comes among us, for no sooner does the sound of his 'clear and sweet voice' and good counsel reach one ear than it flies out of the other".

ministers²⁷ led a meeting of c200 people which formed the Cupar Non-Intrusion Association in January, 1840.²⁸

Still other meetings were organised by working men. Two weeks before the middle classes formed their Non-intrusion Association in Cupar the "operatives"²⁹ of the burgh had formed their own association. Adam Cairns presided and is reported to have told them to restrict the membership to themselves and not to admit middle class members as:-

"he had more confidence in operatives than higher classes as the former were generally open to conviction while the latter were not".³⁰

This remark, no doubt, would not have increased greatly Cairns' popularity and influence with the "higher classes" of the burgh.

Three young members of the Dundee Young Men's Church Society spent a week in February, 1840 organising and conducting non-intrusion meetings in several of the villages near Dundee. On each occasion the meeting was packed and petitions sent to Parliament supporting non-intrusionist principles.³¹

Also during February, 1840, within Dundee itself non-intrusion petitions were organised. The Witness newspaper claimed that one was the largest ever sent to Parliament on any subject. 7 009 men signed the main petition and a further 797 signed a similar one from the Chapelshade area of the burgh. These figures together, said the Witness, came to over 65% of the adult male population of the burgh and included five commissioners of police, all except three of the Church of Scotland ministers with many of their elders and two Secession Church ministers. While this was undoubtedly a large petition indicating massive support for non-intrusionist principles too much should not be made of the editor's comments as his paper was notoriously biased in favour of non-intrusion.³²

27. Adam Cairns (Cupar, 1st charge), Ralph Robb (Strathkinness), William Elder (Cupar, St. Marys) and Angus McGillivray (Dairsie).

28. Fife Herald 30th January, 1840.

29. i.e., artisans - "the labour aristocracy"

30. Fife Herald 16th January, 1840.

31. The Witness 12th and 15th February, 1840.

32. The Witness 22nd February, 1840. The 1841 Census gives the male population of Dundee over the age of twenty as 14 723 and not 11 709 as implied in the Witness report.

Not to be outdone by their menfolk the women of Dundee, in March, 1840, organised a non-intrusion petition of their own which they addressed to the Queen. This was reputed to have been signed by 9 451 females aged over fourteen and belonging to all social classes.³³ Although large the reported number of signatures represented less than half the 1841 Census figure of 22 889 females over the age of fifteen. It has not proved possible to trace the instigators of this petition but the women of Dundee, especially those of the working classes, were very interested in politics at this time. There are reports that women were prominent in demonstrations in favour of the People's Charter in 1838 and against the Corn Laws in 1842.³⁴ Thus it is not strange that the women of Dundee should have organised a petition on behalf of their Church.

During the first six months of 1840 Parliament received over 500 petitions related to the problems facing the Church of Scotland. Almost 450 of these, including four from Northern Ireland and one from England, supported the non-intrusionist cause. Only c45 supported the Moderate stance in the Church/State controversy. Some twenty other petitions asked for the resolution of the Church question without expressing support for either side. Unfortunately Hansard does not record the number of signatures attached to these petitions. Nevertheless there seems to have been a considerable body of public opinion favouring some change in the working of the 1712 Patronage Act.³⁵

The foregoing reports of meetings and petitions tend to give a picture of outstanding success for the organisers of lay protest against the Erastianism shown in the judgements handed down by the Court of Session. Success there certainly was but it was by no means unmitigated success.

One source of attack was from the Chartists. The movement for the People's Charter was particularly strong in Fife and in the Burgh of Dundee. Supporters of the Charter often found it difficult to lease halls for meetings and would sometimes use other public meetings as a venue for Chartist propaganda. George Harney, a prominent Chartist, frequently

33. The Witness 7th March, 1840.

34. Anon., *The Chartist agitation in Dundee*, (Dundee, William Kidd, n.d.) pp.8, 21.

35. Hansard 3rd series vols.51-5. 21st January - 30th June, 1840.

carried out the Chartist practice of attending a large public meeting which had been called for some other purpose. There he would make an eloquent speech and then propose a pro-Chartist resolution. David Maitland-Macgill-Crichton had sometimes suffered from this at Anti-patronage meetings he was addressing. Harney interrupted one of Maitland-Macgill-Crichton's meetings near Stonehaven. As the result of a complaint laid by the latter Harney spent several days in jail. Later Harney and other Chartists made concerted attacks on Anti-patronage meetings.³⁶

Dundee Burgh Council felt very strongly on the issue of non-intrusion. Very early in January, 1840 the council obtained an interdict against "Rev. James Thomson [Dundee, St. Clements] and others" banning the use of burgh churches for non-intrusionist meetings.³⁷ On 23rd January, 1840 the council re-considered the matter. During a long debate Cllr. Eason (a member of a Secession Church) said that he could see no difference between civil and ecclesiastical jurisdiction and that he only knew the Church was in rebellion against the State. The intrusionists on the council won the debate by nine votes to four and the churches remained closed to non-intrusionist meetings. However, supporters of non-intrusion persuaded the trustees of St. Andrews church³⁸ to allow their church to be used for their meetings.³⁹

No doubt spurred on by the success of the non-intrusionists the intrusionists also organised a petition. They managed to achieve 150 signatures including those of two elders.⁴⁰

One attempt to disrupt a non-intrusionist meeting was brought to the attention of General Assembly. On 29th January, 1840 Provost Wallace of St. Andrews chaired a meeting in the college chapel of St. Salvator which was addressed by members of the General Assembly Non-intrusion Committee. This meeting was attended by Sir David Brewster, Principal of the United

36. William Wilson, *Memorials of Robert Smith Candlish D.D.*, (Edinburgh, A. & C. Black, 1880), p.207. Leslie C. Wright, *Scottish Chartism*, (Edinburgh, Oliver & Boyd, 1953), pp.115-6.

37. Dundee Council Kirk Committee minutes 5th January, 1840.

38. As a *quoad sacra* charge it was not subject to the patronage or the control of the Burgh Council.

39. The Witness 25th January, 1840. Dundee Chronicle 30th January, 1840

40. The Witness 22nd February, 1840.

College, and three university professors as well as other local dignitaries. A group of Divinity students from St. Marys tried to disrupt proceedings by heckling the speakers and fighting with townspeople who tried to get them to leave the meeting. Eventually quiet was restored and the ringleader of the students was "conducted to his lodgings by a party of constables".

Sir David Brewster convened a meeting of the University Rector's court to investigate the matter. This court fined and rusticated the students on 27th February, 1840 but Robert Haldane, Principal of St. Mary's College and a prominent Moderate, refused to give effect to the sentences. Feeling that the matter could not be left there, Sir David applied to the Commission of General Assembly, which met in March, 1840, to give effect to the sentences and for it to investigate the University. The Commission decided to remit the case to the Presbytery of St. Andrews for investigation and report to General Assembly.

The remit from the Commission came before presbytery at its meeting on 18th March, 1840. Presbytery found the students not guilty as they had been defending themselves from attack by the townspeople. This deliverance is not surprising given the overwhelming Moderate majority on the presbytery, who would probably have supported any attempt to disrupt non-intrusionist meetings, and the fact that three professors of St. Mary's, who might have felt some personal antagonism towards Brewster⁴¹, were members of the Court and did not, apparently, declare their interest. It is unfortunate that the sederunt of this meeting was omitted from the minutes of St. Andrews Presbytery. It might be significant that this was the only occasion in more than twenty years that such an omission was made. Brewster had been commissioned by the Kirk Session of St. Leonard's Parish to represent them on Presbytery for the period October, 1839 - April, 1840. The minister and four other elders of the parish were professors in the University so perhaps it is understandable that Sir David was never again commissioned to Presbytery.

41. Brewster was a layman filling a position traditionally held by a cleric and had accused their students of riotous and drunken behaviour. He had also taken the affair into his own hands and had appealed to Assembly on a matter which, they felt, was the prerogative of the authorities of the College.

When the case was debated in General Assembly a majority was found to support the findings of St. Andrews Presbytery and so the matter was closed.⁴²

Some idea of the way in which individuals, within the study areas, viewed the Church question can be obtained from the letters written to the editors of the local newspapers. Too much credence should not be accorded to such letters, especially those signed with a pseudonym, as they might have been written by the editors themselves attempting to incite further controversy.

"Agricola" was a frequent correspondent to the *Dundee Advertiser*. In May, 1839 he stated he believed General Assembly had the power to pass the Veto Act since:-

"it was completely within their sphere to prescribe the terms and conditions on which they would invest a man with spiritual power over a parish."

Later "Agricola" claimed that the 1712 Patronage Act was a breach of the Act of Union and thus "not morally binding on the people of Scotland". A correspondent signing himself "Ecclesie Amicus" was equally certain the Assembly had no power to pass the Veto Act. James Headrich, on the other hand, seems to have been confused over the issue. He wrote asserting patrons used their power of presentation to promote political influence which had not been easy since the Reform Act was enacted and that

"...they would find their influence much increased by a voluntary resignation of it [the power to present] into the hands of those legally entitled to exercise it."⁴³

The editor of the *Fifehire Journal* published relatively few letters on the Church question but he "disagreed strongly". in 1839, with "Aliquis" who claimed the Church Establishment in 1690 "was recognised by the State to have supreme control over its internal and spiritual government". There is no doubt of the editor's support, in 1841, for "K" and "S" who both wrote claiming the Non-intrusionists were not supported by the public - a claim which was doubtful in the extreme and which would

42. The Witness 8th February, 1840. Pres. Rev. 1840 vol. 12 p. 770. AGA 1840 - abridgement pp. 48, 70. St. Andrews Presbytery minutes 18th March, 1840.

43. Dundee Advertiser 17th May and 9th August, 1839; 13th March and 20th November, 1840.

possibly have been accepted only by the more gullible members of the Moderate party.⁴⁴

The *Fife Herald* received letters rather different in tone from those sent to the other two papers. "No quirk" of Cupar thought the General Assembly stance on the Veto Act would lead to the end of the Established Church. He also thought Assembly should ask the Government to change the law and added the novel suggestion that as the Government had spent £20 000 000 freeing slaves there was no reason why they should not do the same to free the Church. Rev. Andrew Gray (Perth), a staunch non-intrusionist, claimed the Church had the right to refuse to ordain an unqualified minister and that an unacceptable minister was automatically unqualified. "Spectator" asserted that by petitioning Parliament on the Church question the Church courts showed they wished to be more not less dependent on the State.⁴⁵

These ten letters illustrate the wide spread of opinions held by individual people on the issues raised by the Church/State controversy. Editorial opinion, a surer guide to the policies of the groups supporting each paper, is discussed later in this chapter (pp.53-56 below).

STUDENT REACTION TO THE DECISIONS OF THE CIVIL COURT

Taking Scotland as a whole a majority of Divinity students seem to have favoured the non-intrusionist cause. Buchanan claimed that after all the Divinity Halls had held debates on the issue a total of 245 students had favoured non-intrusion while only thirty were opposed.⁴⁶

107 students from Edinburgh University presented a memorial to the 1840 General Assembly supporting non-intrusion and repudiating the suggestion it would deter them from entering the ministry. The Witness newspaper recorded, with approbation, the support of non-intrusion by Glasgow students and stated they:-

"...reject with indignation the idea that they should ever regard it as their interest to be thrust forcibly, in violation of this sacred principle, on unwilling and reclaiming congregations".

The next issue of the paper reported that the theological students of

44. Fife Herald 19th February, 1939; 24th and 29th April, 1841.

45. Fife Herald 6th June, 1839; 30th January and 13th February, 1840.

46. Buchanan, *Ten years conflict*, 1853. vol.2 p.54.

Aberdeen University had passed similar resolutions.⁴⁷

The situation at St. Andrews was not so clear cut. Some St. Mary's College students attempted to form a Non-intrusion Association in January, 1840 but the meeting broke up in uproar and the idea was defeated by a large majority. The following month Divinity students from St. Mary's and Philosophy students at United College met to consider the state of the Church. The great majority favoured a motion paying lip service to the concept of spiritual independence but asserting it would be wrong to support "an enactment pronounced illegal by the highest Civil Courts in the Kingdom". Nevertheless a "sizeable minority" favoured another motion directly supporting non-intrusion and the Veto Act. Because the meeting consisted of Divinity and Philosophy students it is not possible to reach any conclusions as to the extent to which the former supported one or the other motion. However, since Philosophy students were probably future Divinity students it would be a safe assumption that St. Mary's was producing a solid core of adherents to the Moderate side of the controversy. Another issue of the same newspaper claimed that more than half of the Divinity students had signed a non-intrusionist petition circulating in St. Andrews at the time. but it is doubtful, for reasons advanced earlier, how much credence can be given to this claim.

By 1842 it seems clear that attitudes among all students of St. Andrews had hardened in favour of non-intrusion. At a meeting of the St. Andrews Student Association on 8th April, 1842 a series of resolutions against lay patronage was passed and published in the Witness and the Dundee Warder newspapers.⁴⁸

THE REACTIONS OF KIRK SESSIONS

Kirk sessions, in general, do not appear to have expressed, or at least recorded, any joint opinions on the issues involved in the controversies surrounding the Veto Act. It is, therefore, very interesting that the majority of the Kirk Session at Kettle decided to use "the printed form from General Assembly" in order to petition Parliament for

47. Assembly Papers 1840. The Witness 8th and 12th February, 1840.

48. Fife Herald 30th January, 1840.
The Witness 8th and 12th February, 1840, 18th April, 1842.

a bill preventing the settlement of a minister in a parish without the consent of the majority of male heads of family. The interest in this event is heightened by the fact the parish minister, Peter Barclay, had been ordained in 1778 "under the protection of the military". It is not recorded what part, if any, the minister played in the session's decision to petition Parliament nor, since he died, aged 92, on 13th December, 1841, what his attitude to the Disruption would have been.⁴⁹

One method of ascertaining the interest of kirk sessions in the Church/State controversy is to examine the changes, over the period 1833 to 1848, in the number of kirk sessions which commissioned representatives to presbytery and synod.⁵⁰ These changes are shown in Fig.2.1 (p.40). This time scale covers the relatively calm period between the passing of the Veto Act and the first Auchterarder case (1834-39), the four years of violent re-action (1840-43) and finally illustrates the comparative relaxation of interest in Presbyterian affairs after 1843.

The histograms of Fig.2.1 are of percentages of kirk sessions sending commissioners to presbyteries. Percentages are used because not only were there different numbers of kirk sessions in each study presbytery but the number of kirk sessions within each presbytery varied throughout the period. Cupar Presbytery originally had nineteen kirk sessions but acquired an extra one between October, 1840 and April, 1843 following the accession of the Original Secession Synod to the Church of Scotland. For the same reason the Presbytery of St. Andrews increased from twenty to 21 kirk sessions between October, 1839 and October, 1942. Dundee Presbytery began the period with thirteen kirk sessions but had increased to 29 by April, 1843 due to the creation, at various times, of *quoad sacra* parishes within the burgh of Dundee only to return to thirteen when the Presbytery abolished the *quoad sacra* parishes after the Disruption⁵¹.

49. Kettle Parish Kirk Session minutes 6th May, 1840.
Fasti vol.5 p.159.

50. The attendance of elders at higher court meetings would be a better measure but for the fact that presbytery clerks were not always clear about which elders, if any, attended meetings. The Dundee Presbytery clerk, in particular, habitually wrote "&c" after recording the names of three or four elders.

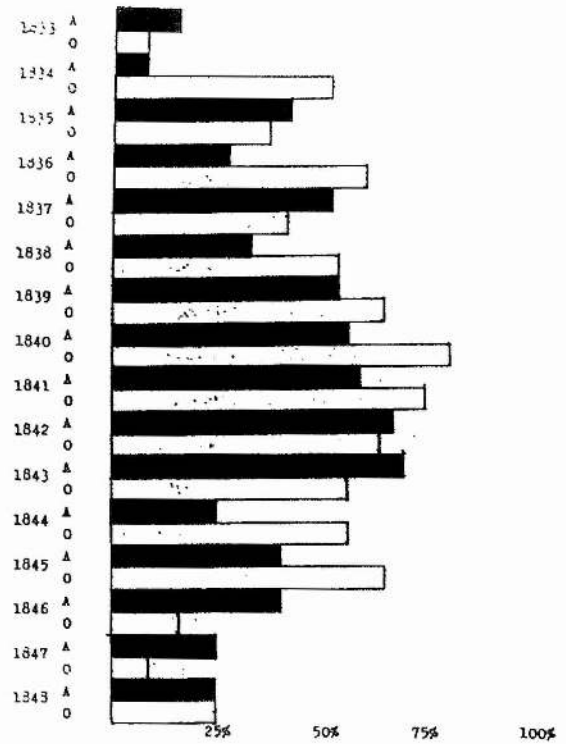
51. Dundee Presbytery minutes 5th July, 1843.

FIGURE 2.1

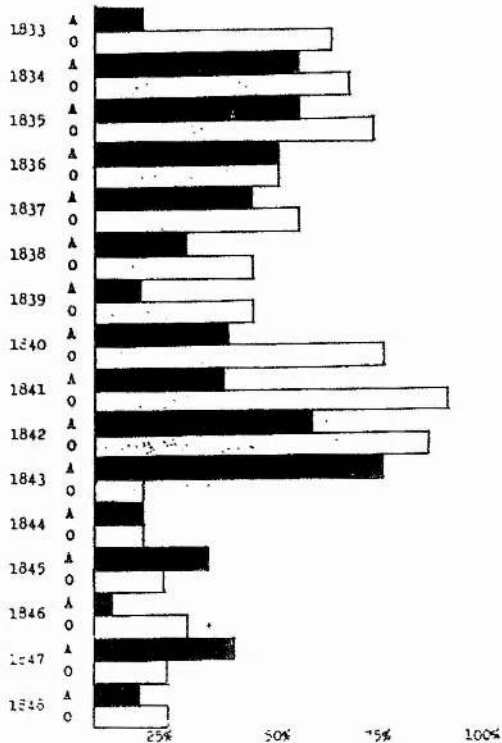
PERCENTAGES OF KIRK SESSIONS COMMISSIONING ELDERS TO

THREE PRESBYTERIES APRIL 1833 - OCTOBER 1848

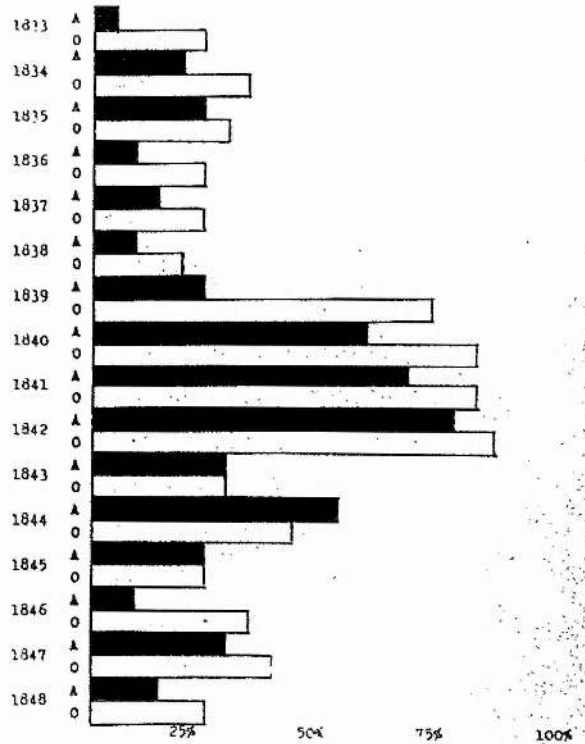
Dundee Presbytery



Cupar Presbytery



St. Andrews Presbytery



40

Elders were commissioned to presbytery and synod for each six months following a meeting of synod. Synods normally met towards the end of April and the end of October each year. Hence each bar in Fig.2.1 is labelled either "A", indicating those commissioned between April and October, or "O" for commissions running from October to the following April. It is important to note that although elders were commissioned they were not always very assiduous in their attendance at meetings nor were they necessarily commissioned for the whole six month period.

One fact which is immediately apparent from Fig.2.1 is that throughout the whole period 1833-48 there were more elders commissioned during the October - April period than during the summer months. Many of these elders were not commissioned until the February of the session. This was possibly due to the fact that presbyteries usually elected their commissioners to General Assembly⁵² at the end of March and sessions may have wished to express their opinions in this election. It must, however, be stressed that it was unusual for an actual election to be held.

Until 1841 all the three study presbyteries adhered to the system of commissioning ministers to General Assembly by rotation. Only in Dundee was this system altered in 1841 when three ministers supporting the non-intrusion movement were chosen in place of the three Moderates who were due, by rotation, to go to Assembly.⁵³

The position regarding elders is more complicated. In Cupar Presbytery two Moderate elders defeated two non-intrusionist elders in 1836. The next election of elders was not until 1840 when one of two Moderates and one of two non-intrusionists were elected. The following year, 1841, both non-intrusionists were elected.⁵⁴ There is only one record of an election for Assembly elders in St. Andrews Presbytery. This was in 1840 when two Moderates defeated two non-intrusionists.⁵⁵ In Dundee there were four occasions when elections of elders for General Assembly were

52. Four ministers and two elders were commissioned by each presbytery each year.

53. Presbytery of Dundee minutes 7th April, 1841.

54. Presbytery of Cupar minutes 29th March, 1836; 31st March, 1840; 30th March, 1841.

55. Presbytery of St. Andrews minutes 1st April, 1840.

necessary in the period 1830-41. On each occasion non-intrusionists were elected.

Another fact which emerges from an examination of Fig.2.1 is the sudden increase in the proportion of kirk sessions commissioning elders to presbytery after the civil Court of Session began its attack on the Church by declaring the Veto Act illegal in 1839. This increase was manifest in all three study presbyteries. From this it is possible to argue that Church of Scotland elders felt a need to take a more active part in the affairs of the Church at a time when its whole constitution was being changed. The increase in commissions is to be seen from sessions which supported both sides of the controversy.⁵⁶

A factor which is not apparent from Fig.2.1 is that not only were more elders being commissioned to presbyteries but that their attendance at meetings became more regular. This is seen, not from the sederunts of meetings, which were imperfectly kept, but from the records of the number of votes cast for and against disputed motions at presbytery meetings.

How this increase in ruling elder participation really affected the outcome of presbytery debates cannot be fully assessed. Numbers of votes cast for and against overtures are sometimes recorded but more often phrases such as "by a majority" are used. The names of those who voted "aye" or "no" were never recorded.

Occasionally a local newspaper would publish a report showing how elders had voted on a presbytery overture. In May, 1842 St. Andrews Presbytery considered a General Assembly overture on the election of elders by members of congregations.⁵⁷ A report in the Fife Herald states that the Presbytery agreed with the overture by fourteen votes to eleven and then continues - "...ministers voted according to their known church politics; but eight elders voted "approve" and only one (R.B. Dalgleish Esq.) voted reject."⁵⁸ Thus if only the ministers had voted the overture would have been rejected by ten votes to six but with the elders' votes it was accepted. This report is important in two ways. It shows elders'

56. See chap.8 for a fuller discussion of the role of elders in the Disruption.

57. See below Chap.8 p.210.

58. Fife Herald 5th May, 1842.

votes could be decisive in certain circumstances. It also shows that at least two kirk sessions within the presbytery were sufficiently against Moderate policy that they chose to commission elders who would not follow their minister's lead.

The final fact which Fig.2.1 establishes is the sudden collapse of kirk sessional interest in the wider affairs of the Church after the Disruption. This may have been due to one or more of a variety of reasons, for example, elders really interested in attending presbytery meetings had defected to the Free Church, or the shortage of elders on some kirk sessions prevented one being commissioned, or the need to combat the encroachment of the Free Church within their parish occupied the full attention of the kirk session. While such speculations are of great interest there seems little hope of their resolution.

PRESBYTERIAL REACTION TO THE CONTROVERSY

The three study presbyteries reacted to the Veto Act and its rejection by the civil courts in different ways. These differences, to some extent, reflected differences in composition. In 1843 Dundee Presbytery had 29 charges which included two chapels-of-ease, ten *quoad sacra* charges and six charges under the patronage of the Burgh Council⁵⁹. Eighteen of the 29 ministers had Evangelical views. At the same period twelve of the 21 ministers in Cupar Presbytery held to Evangelical principles. In St. Andrews Presbytery only five of nineteen ministers were firm Evangelicals with three more giving intermittent support.⁶⁰

Changes in the attitudes of Cupar Presbytery over the nine years 1834-43 closely reflect attitudinal changes exhibited by a large proportion of the population of Scotland during the period.

At first, opinion in Cupar Presbytery was fairly evenly divided on the Veto Act and the regulations attached to it. In 1835 the act was disapproved of by ten votes to nine. Opinions had changed by May, 1840 when Alexander McArthur (Dairsie) proposed an overture to Assembly to repeal the Veto Act as it had been declared illegal by the civil courts and

59. Fasti vol.5.

60. The numbers of ministers holding Evangelical views include both those who joined the Free Church and those McCosh (*Wheat and chaff*, 1843) describes as second class Moderates.

replace it if necessary, with "...some ecclesiastical remedy consistent with the law of the land and with the oath of allegiance taken by ministers before their settlement". This proposal was seconded by Henry Cook (Kilmany). An amendment that General Assembly abide by the rules of non-intrusion and persevere in its efforts to give them full effect was moved by Robert Johnstone (Auchtermuchty). After debate the amendment was carried by fifteen votes to nine.

The wording of this proposal and amendment high lights the dilemma facing ministers during the whole of the Church/State controversy. Ministers certainly took an oath of allegiance to the Crown before being admitted to a charge but they also, at their ordination, swore to obey the laws of the Church as formulated by General Assembly. In the crisis which developed between 1839 and 1843 could any man keep both oaths? Did keeping one necessarily entail breaking the other? If one had to be broken which one should it be? It was in the way that these questions were answered that, in a large measure, led to the bitterness and rigidity of attitudes shown by all parties concerned in the controversy.

Having settled the question of an overture to General Assembly, Cupar Presbytery then decided to petition both Houses of Parliament. Parliament was asked to take steps to end the dispute between the Church and the civil courts in such a way as to embody non-intrusionist principles.⁶¹

Nine months later Cupar Presbytery, again by a fifteen to nine majority, agreed to overture General Assembly to maintain the principles of spiritual independence and non-intrusion and for Assembly to press the Government to abolish lay patronage. This and other similar overtures formed the basis of a long, often acrimonious debate in General Assembly on 25th May, 1841. After twelve hours of debate Assembly on a motion by George Cook rejected the overtures by a majority of six.⁶²

In March, 1841 the Presbytery passed a series of resolutions, by sixteen votes to eight, proclaiming the spiritual independence of the Church; protesting at the encroachments of the civil courts especially in

61. Cupar Presbytery minutes 31st March, 1840.

62. Cupar Presbytery minutes 5th January, 1841. Pres.Rev. 1841 vol.14 pp.292-317. AGA 1841 - abridgement pp.39-40.

the Marnoch case⁶³; and pointing to the way such encroachments were endangering the Established Church. Copies of these resolutions were sent to the Government in an effort to obtain redress.⁶⁴

These quotes from the minutes of the Presbytery of Cupar illustrate how the Erastian decisions of the Court of Session changed the opinions of Church members. A minority in favour of the Veto Act in 1835 was turned, albeit with the help of additional elders, into a majority for non-intrusion in 1840.⁶⁵ After that date the basis of the dispute changed; from simply a question of the right of parishioners to a negative say in the choice of their own minister, the dispute became a matter of whether the Church had a right to decide its own internal affairs; whether it could decide whom to ordain and where; and whether it could decide when a man's behaviour warranted his deposition from the ministry.

Then followed demands for the abolition of lay patronage and for the intervention of Parliament with a legislative solution to the controversy. If the Government had been willing to accede to one or both of these demands it is possible that the Disruption would not have occurred or have taken a different form.

Dundee Presbytery, as was to be expected given the size of the Evangelical majority, was much more definite in expressing non-intrusionist views from the start of the controversy. They overtured the 1834 General Assembly to take immediate steps to give "the call" due force and prevent intrusions. Then the Veto Act was approved of by fifteen votes to nine.⁶⁶

During 1840 the presbytery was particularly active in the support of the Church against the civil courts. In February it was decided, by

63. In this case the civil Court of Session claimed to be able to override disciplinary actions by the General Assembly and to decide which ministers, even if suspended from office, should constitute a valid presbytery to ordain a presentee rejected by the Church.

64. Cupar Presbytery minutes 30th March, 1840.

65. In 1835 a total of nineteen, the number of ministers on presbytery, votes were cast. In 1840 there were 24 voting members which indicates there were more elders attending meetings in that year. Even if these extra votes are discounted there would still have been a majority in favour of non-intrusion.

66. Dundee Presbytery minutes 7th May, 1834; 1st April, 1835.

23 votes to seven⁶⁷, to petition Parliament supporting non-intrusion and the spiritual independence of the Church. Two overtures were sent to the 1840 General Assembly. The first is quoted in full since not only is it unusual in itself as few, if any, similar overtures seem to have been made to Assembly but it also reinforces earlier remarks regarding the clash of loyalties faced by ministers.

"Any Probationer, does, before he is licenced, promise he will submit to church government and discipline and never directly or indirectly prejudice and subversion of the same and also that he will subject himself to its several Judicatories. In some recent proceedings anent the settlement of vacant parishes it appears some Probationers acted in direct opposition and violation of these promises... [overture for Assembly] to adopt measures to exercise ecclesiastical discipline in such cases and of enforcing on all office bearers of the Church the obligation of Subjection to its enactments and judicatories."

This overture was carried only after a long debate. The second overture was a standard non-intrusion/spiritual independence one and was carried without a vote. A third overture was sent to the December meeting of the Commission of Assembly. This pointed out that the Veto Act had proved insufficient to remove the evils of lay patronage and asked that steps be taken to secure the repeal of the 1712 Patronage Act. Dundee Presbytery again overtured General Assembly in 1842 for the total abolition of lay patronage and in a second overture supported the spiritual independence of the Church.⁶⁸

The Marnoch case brought a much stronger response than had been shown by Cupar Presbytery (there was none from St. Andrews Presbytery). Dundee Presbytery expressed alarm that the civil court had ordered the ordination and admission of John Edwards against the decision of General Assembly as the order was illegal since it was contrary to the Acts of Union and Security. Presbytery was also "surprised" that five suspended ministers should sacrilegiously have carried out the ordination.⁶⁹

In 1842 the Presbytery formed itself into a Church Defence Association. The reasons advanced for this were that some ministers were violating the constitution of the Church and State, "were seeking to drive

67. At this date there were 26 parishes in the presbytery as against thirteen in 1834.

68. Presbytery of Dundee minutes 5th February, 1st April, 6th May, and 12th November, 1840. 6th April and 5th October, 1842.

69. Presbytery of Dundee minutes 10th February, 1841.

out many pastors to get their emoluments for themselves and subjecting Church members to Erastian domination". The leading figure in this move was James Thomson (Dundee, St.Clements) who later refused to leave the Established Church at the Disruption.⁷⁰

St.Andrews Presbytery steadfastly supported the Moderate side throughout the nine years of dispute between the passing of the Veto Act in 1834 and the Disruption in 1843.

Early in 1834 a motion for presbytery to petition for the repeal of the Patronage Act was easily defeated by eleven votes to two. At their next meeting the Moderate majority emphasised their numerical superiority by agreeing to petition Parliament against the repeal of the Patronage Act by fourteen votes to one. No other attempt to secure approval for non-intrusionist policy was ever recorded in the presbytery minutes.

Two other direct expressions of opinion on the Veto Act were made by St.Andrews Presbytery. The first was against the change in the Regulations attached to the act which provided that declarations of dissent had to taken on the day a call was moderated and not at a future meeting. The second direct reference was an overture to General Assembly to repeal the Veto Act as it was:-

"...illegal and injurious to the particular rights of Presentees and Contrary to the Statutes by which the Church of Scotland is established".

This overture was agreed to by the relatively narrow margin of seventeen votes to fourteen. As there were only 21 ministerial charges in the presbytery there must have been at least ten elders at this meeting. Comparing the number of votes cast at this meeting with the earlier ones there seems to have been, at least among the eldership, a major shift of opinion towards non-intrusion even in the "hot bed of Moderatism" St.Andrews is often said to have been.⁷¹

The wording of the overture highlights the bias of Moderate policy towards presentees and patrons. It also reveals a somewhat cavalier - -

70. Dundee Presbytery minutes 2nd February, 1842,

71. St.Andrews Presbytery minutes 5th February and 26th March, 1834.
3rd October, 1838, 5th May, 1841.

interpretation of the laws of the Scottish Parliament which established the Church. It was this capacity to interpret Church and Civil law in a manner which fitted their own prejudices which brought St. Andrews Presbytery into conflict with General Assembly on more than one occasion. One such occasion occurred in 1840 with the attempted intrusion of George Cook, a younger son of Prof. George Cook, the leader of the Moderate Party, to the Parish of Kemback.⁷² This episode, which clearly involved nepotism, led the Presbytery to attempt to justify their actions with a claim that the Veto Act had been declared illegal by the civil courts.⁷³

Kemback was a parish under the patronage of the United College of St. Leonard and St. Salvator in St. Andrews. The 88 year old minister, James Macdonald, was the brother-in-law of the deceased Principal George Hill of St. Mary's College and thus the uncle of Prof. George Cook. In February, 1840 Macdonald asked Presbytery to take steps to ordain the younger George Cook as his assistant and successor. Presbytery at once agreed to the request and fixed a date for the moderation of the call to Cook.⁷⁴ It was not unusual for a minister of Macdonald's age to seek an assistant and successor but it was very unusual for a minister to make his first intimation of his desire for such help, a straight demand to a presbytery for the instant ordination of a particular individual. Even more unusually the United College departed from its normal practice of refusing to present an assistant and successor to a minister holding a charge of which it was the patron.⁷⁵

The more common approach was for a minister to ask presbytery for permission to seek an assistant and successor and to state the reasons for his request. It was then the normal practice for the request to lie on

72. Another occasion was the attempted deposition of Sir David Brewster, Principal of the United College, after the Disruption. This case is discussed in detail in Chap. 5 pp. 146-55.

73. The detailed examination of this case will also serve to illustrate the procedures normally undertaken during the settlement of a minister in a parish.

74. Presbytery of St. Andrews minutes 5th February, 1840.

75. Answering a request from the parishioners of Tannadice for an assistant and successor to their minister "The Principal and Masters find that it is contrary to the invariable practice of the College to comply with the Prayer of such a Petition." St. Mary's College minutes 4th February, 1841.

the table for at least a month before presbytery considered the matter. At the next meeting, if presbytery agreed to the request, the patron of the parish was informed and a bond for the proposed assistant's stipend was sought. It was not until it was satisfied on both counts did presbytery consider moderating a call to a presentee who was the agreed choice of the patron and minister. None of these procedures seem to have been followed in the Kemback settlement.

Presbytery met at Kemback on 26th February, 1840 to moderate the call to George Cook. A writer representing some parishioners and an advocate for the presentee compeared before the court. A motion to proceed with the call was countered with another that the call should not be proceeded with as no roll of communicants had been produced to presbytery before the date for the moderation of the call had been fixed as required by the laws of the Church.⁷⁶ After discussion the first motion was carried. The lawyer for the parishioners protested and appealed to synod as did four members of presbytery.⁷⁷

The call was then produced and signed by "Heritors, the Elders and many parishioners". Presbytery immediately decided "by a large majority" to sustain the call and not seek dissents as Church and civil law required.⁷⁸ This decision led to further protests and appeals to synod. Presbytery's final deliverance at this meeting was to refuse to sist proceeding with the call because of the protests and appeals already lodged

76. The Court of Session judgement in the Auchterarder case banned Church courts from considering any objections to a presentee which were not based on perceived faults in his "life, learning and doctrine". It did not specify, or imply, that presbyteries must not call for objections when moderating a call to a presentee. In fact the court ruling implied the direct reverse of this, since it had made certain objections to a presentee perfectly legal. The judgement made no ruling on the regulations attached to the Veto Act which called for an up to date roll of male heads of family in a vacant parish to be drawn up and attested by the presbytery concerned before the moderation of a call (regulations 18-21) and which also decreed that objections to a presentee should be called for at the meeting to moderate the call (regulation 11). Thus these remained valid Church law.

77. William Nicholson (Ferryport) and Ralph Robb (Strathkinness), ministers; and George Aitken and David Mills, elders.

78. The Court of Session in the Daviot case on 17th December, 1839, interdicted heads of family dissenting from a settlement without their proving special objection to the life and doctrine of a presentee. Thus a presbytery was not entitled to dispense with the opportunity for parishioners to express dissent as they may have had special objections to voice.

but to sustain the call and to prescribe trials. Again there were protests and appeals.⁷⁹

Presbytery fixed George Cook's trials for 11th March, 1840 before the date of the next meeting of the Synod of Fife scheduled for 14th April, 1840. If this was an attempt, as it undoubtedly was, to rush through Cook's ordination and settlement before any higher Church court could interfere, the attempt failed dismally. The St. Andrews' Moderates appear to have overlooked the fact that the commission of the General Assembly was due to meet on 4th March, 1840, a week before the date of Cook's trials. The appellants brought their case directly to the Commission. The Commission ordered St. Andrews Presbytery to sist proceedings in the case, banned Cook from appearing before the presbytery for trials and referred the case to the Synod of Fife. Synod heard the case and referred the whole matter back to General Assembly.⁸⁰

Assembly, in its turn, referred the case to its Commission which dealt with it on 3rd June, 1840. The Commission received a Petition and Complaint signed by 49 male heads of family in Kemback. The burden of their complaint was that George Cook had been assistant to their minister for the previous two years and they were certain that his permanent settlement in the parish would not be for their edification since he had not resided in the parish nor had he visited, examined or exhorted the people nor had he interested himself in the parish or its members. They also pointed out that there was no roll of families in the parish; that although there were about eighty male heads of family in the parish the call to Cook had been signed by only fifteen of them including two heritors and the father of the presentee as a patron; the call had also been signed by Dr. Hunter⁸¹ as a patron and he had acted and voted in presbytery on all questions relating to the call thereby acting as a judge of his own case. The Commission upheld the protests and appeals and reversed the findings of presbytery. They also ordered St. Andrews Presbytery to proceed with the

79. St. Andrews Presbytery minutes 26th February, 1840.

80. Assembly Papers 1840. AGA 1840 - abridgement p.68. Synod of Fife minutes 14th April, 1840.

81. James Hunter, Prof. of Logic and Rhetoric and minister of St. Leonards Parish.

case according to the laws of the Church.⁸²

It was the following year, 1841, before the Presbytery of St. Andrews again began the process of moderating a call to George Cook. When presbytery attested the parochial roll of male heads of family, Profs. Andrew Alexander (Greek) and Thomas Jackson (Biblical Criticism and Theology) together with Anstruther Taylor (Carnbee) dissented from the procedure as "the Veto Act had been declared illegal by the Supreme Courts of the Kingdom".⁸³

At the presbytery meeting to moderate his call George Cook was represented by his elder brother, A.S. Cook, an advocate. The latter told presbytery that he did not object to them moderating a call to his brother but stated, "The right of a presentee to be taken on trials [depends] solely on his letter of appointment by the patrons" and that the first action of the presbytery must be to fix a date for his trials. The Moderator, William Ferrie yr. (Anstruther Easter), explained to him "the privileges conferred by the Act anent calls". After the call had been signed and dissents recorded it was found there was a majority of three against the presentee. Presbytery, without a vote, agreed to report the case to the next General Assembly. At this A.S. Cook protested as the decision was illegal "and inflicted a wrong upon the Presentee for the consequences of which he held the Presbytery responsible". Five presbyters⁸⁴ promptly registered dissents to save themselves from any civil consequences.⁸⁵

When General Assembly heard the report of the case it was agreed that consideration of it should be postponed until the Assembly of 1842.⁸⁶ The case was finally closed in September, 1841 when George Cook was ordained a missionary to serve in Bombay. Shortly before his ordination he was awarded a M.A. degree by the University of St. Andrews without examination in

82. Assembly Papers 1840. AGA 1840 - abridgement pp.54, 71.
Pres. Rev. 1840 vol.13 p.279

83. St. Andrews Presbytery minutes 3rd February, 1841. The protest was irrelevant but is illustrative of Moderate thinking at the time.

84. George Milligan (Elie), Hew Scott (Anstruther Wester), Robert Swan (St. Monans), William Merson (Crail), ministers and Dr. William Thomson, elder.

85. St. Andrews Presbytery minutes 26th February, 1841.

86. AGA 1841 - abridgement p.46.

view of his "high character and literary and professional attainments".⁸⁷ There can be little doubt that this award was intended to be a consolation for presbytery's failure to intrude him into Kemback.

The case at Kemback had many similarities with that at Marnoch but with a very different result. This raises the question of why this should be? Bryce asserts it was due to inconsistency on the part of the non-intrusionist majority on Assembly and implies they were turning to Moderate policies.⁸⁸ Such behaviour, while within the bounds of possibility, is most unlikely given the consistent attitudes that majority had displayed in other matters during the later stages of the controversy. What is much more likely is that the Court of Session was not involved because the principal figures in the Kemback case were so very different from those at Marnoch.

There were very close links between the United College, the patron of Kemback, and the Church both at student and staff levels. The College would not wish to be seen as engaging in the persecution of the Church merely to intrude the son of a professor into a pastoral charge. Five members of presbytery were not only ministers but were also university professors.⁸⁹ They might not have been prepared to do anything which could lead to their being deprived of their ministerial status since they believed that would have involved the loss of their professorships. Finally, the presentee himself would probably not be prepared to see his own father facing possible hardship if he instituted a suit in the Court of Session. Therefore all the principals in the case were more likely to have played a waiting game believing time was on their side. Thus while

87. St. Andrews Presbytery minutes 29th September, 1841. St. Andrews University Senate minutes 25th September, 1841.

88. James Bryce, *Ten years of the Church of Scotland*, (Edinburgh, Blackwood, 1850). p.149.

89. These were William Ferrie (Kilconquhar), Prof. of Civil History; Robert Haldane (1st charge, St. Andrews), Prof. of Divinity and Principal of St. Marys College; George Buist (2nd charge, St. Andrews), Prof. of Ecclesiastical History; James Hunter (St. Leonards), Prof. of Logic and Rhetoric; and Thomas Jackson, Prof. of Biblical Criticism and Theology. Jackson was not a parish minister but had a permanent seat on presbytery because of his particular professorship. Four elders who supported the Moderate side were also professors: Adam Anderson (Natural Philosophy), Andrew Alexander (Greek), Arthur Connell (Chemistry) and George Cook (Moral Philosophy). They were not all on presbytery at the same time but would have been able to exert influence on its decisions.

their lawyers were ready to make threatening noises in the hope of bluffing concessions from the non-intrusionists there was little intention of more positive action.

Although the Moderates tried to present the Kemback case as one arising from the illegal operation of the Veto Act this was, in fact, not so. The parishioners dissented from the call on the grounds of the presentee's "life, learning and doctrine". These grounds for dissent had been specifically declared legal by the Court of Session in their judgement on the first Auchterarder case in March, 1838 and re-inforced in their judgement in the Daviot case in December, 1839. Thus, some at least of the ministers could have been doubtful if the civil courts would have supported them against any judgements reached by General Assembly in the exercise of their legal powers.

EDITORIAL COMMENT IN LOCAL NEWSPAPERS

There were seven local newspapers published in the study areas for greater or lesser periods of the 1830s and 1840s. The *Dundee Warder* (1841-1845) and *Fifeshire Sentinel* (1843-1845) were non-intrusionist organs. The *Dundee Advertiser* (1803-1926) and *Fife Herald* (1823-) were Liberal in political and Voluntary in ecclesiastical outlook. The *Fifeshire Journal* (1833-1893), *Dundee Courier* (1834-1861) and *Dundee Chronicle* were Tory in politics and Moderate on Church issues.⁹⁰

Unfortunately, among the Dundee papers, there are no accessible copies of the *Warder* before 1845; the *Courier* is available only for 1843 and 1844 and the *Chronicle* only for 1838 and 1840. Similarly the *Fife Sentinel* is available only for 1843 and 1844. There are accessible copies of the *Dundee Advertiser*, *Fifeshire Journal* and *Fife Herald* for the whole of the period covered by this study and only they can provide editorial opinion over the crucial period 1839-1843 when the Church/State controversy was at its height.

Usually the editors of the latter three newspapers showed a remarkable degree of unanimity in their comments. The *Dundee Advertiser's* editorial, shortly after the House of Lords rejected

90. J.P.S.Ferguson, *Scottish newspapers* (Edinburgh, Scottish Central Library, 1956). The dates in brackets show the period during which each paper was regularly published.

the Church's appeal in the Auchterarder case, stated the paper's point of view. In essence this was:-

"The Church must descend from her lofty attitude and occupy the position of servant or abandon the connexion [with the State] and sacrifice the wages."

The editor considered the second alternative to be very unlikely to happen as few ministers would be ready to make such sacrifices.⁹¹ The other two editors wrote on similar lines and all three repeated the comment, in various forms, at intervals over the next four years. A second favourite theme was that before it could expect any redress of its grievances the Church must obey the law as interpreted by the Court of Session.⁹² All three were also agreed that the Government would find it difficult to take action to resolve the dispute mainly because the Church was divided on what would constitute an acceptable outcome. Government would also have to consider the attitudes of the Voluntary churches.⁹³

Naturally there were issues on which the editors did take individual approaches. The *Fife Journal* accused the Liberal government of "mean evasion on a great national issue" and that, in order to remain in power, they were prepared "to discourage the national Establishment" and to encourage "Popery, Socialism and Voluntaryism".⁹⁴

The *Fife Herald* did not believe that Peel, after he had become Prime Minister in 1841, really wanted to settle the Scottish Church question when he suggested a scheme whereby General Assembly would repon the "Strathbogie Seven"⁹⁵ and accept *liberium arbitrium*.⁹⁶ The editor commented, "The scheme seems indeed ingeniously contrived to be in the last

91. Dundee Advertiser 18th May, 1839. References to newspapers in this section are examples only.

92. Fifehire Journal 19th December, 1839; Fife Herald 25th March, 1841; Dundee Advertiser 5th February, 1841

93. Dundee Advertiser 21st February, 1840; Fife Herald 10th December, 1840; Fifehire Journal 12th March, 1840. These churches, in both Scotland and England, were vehemently opposed to public funds being used, in any way, to support the Established Church.

94. Fifehire Journal 2nd April, 1840.

95. i.e., reinstate the seven ministers in the Presbytery of Strathbogie who had been deposed for obeying the Civil rather than the Church courts in the Marnoch case.

96. This would allow the Church courts to set their own rules for the settlement of vacant parishes even if civil interests were involved. This was essentially what was imposed by Aberdeen's Act in 1843. see pp.117-23 below.

extreme obnoxious to both parties." The Moderates were strongly opposed to *liberium arbitrium* being imposed on the Church and the non-intrusionists were equally opposed to reponing the "Strathbogie Seven" by law.⁹⁷

The *Dundee Advertiser* claimed that the Old Tories were using the controversy to arouse opposition towards all progressive reforms in religion and in politics and outlined the possible consequences of them returning to power.⁹⁸ Although the editor was making a party political point at a time when a Liberal Government was in difficulty he had some justification for his remark given the strenuous efforts being made in that period by members of the *ancien regime* to retain their privileges and position in society.

While these three editors were relatively restrained in their comments on ecclesiastical issues, the editor of the *Dundee Chronicle* was not. Towards the end of 1838 he mistakenly thought the burgh council was intending to relinquish their right of presentation to St. David's Church. In an editorial he opposed handing patronage to a "class which scarcely has existence and is utterly unqualified to exercise the right which they so presumptuously ask". After asserting patronage must only be exercised by its rightful owners he concluded:-

"We have ever regarded....the idea of the mass of the communitysitting in judgement on the merits of clergymen whose ministrations they are not bound to attend and *for whose maintenance they are not bound to provide* as the greatest of all absurdities"

The following week the editor returned to the attack. He wrote that everyone had not a right to choose a minister as "by law that is invested in individuals or bodies not *accountable to any power for the exercise of it.*" He also claimed "those excluded do not have to pay for the Church"⁹⁹ and finally stated "the congregations do not, in fact, give any opinion on which reliance can be placed".¹⁰⁰

97. Fife Herald 23rd December, 1841.

98. Dundee Advertiser 17th January, 1841.

99. This was a palpably false statement since not all patrons, e.g. the Crown, made any financial contribution to maintenance of the minister they presented or to the upkeep of Church buildings in his parish. All the heritors of a parish, while having no share in the exercise of patronage, had to "pay for the Church" whether or not they were members of the Established Church.

100. Dundee Chronicle 22nd and 29th November, 1839.

These quotes show that this editor was very supportive of patronage and equally denigratory of the ability of the majority of Church of Scotland members to decide for themselves the type of minister best suited to their needs. These attitudes seem to have been not uncommon among the more extreme adherents of Moderatism. His emphasis on the importance of the possession of worldly wealth as a source of influence in the Church is also very interesting. David Arnot (Dundee, St. Paul's) adopted the same stance when opposing the introduction of popular elections for elders in 1842.¹⁰¹ It is strange that men, who were most strongly opposed to the introduction of any Voluntaristic principles into the Established Church, should have equally strongly held the view that money ought to be the source of influence in the latter body.

SUMMARY

During the last four or five years of the Auld Kirk there was much evidence of positive reaction to the Erastian decisions of the Court of Session and the House of Lords regarding the settlement of ministers into vacant charges. The reaction can fairly be said to have been positive since supporters of all social classes on both sides of the controversy were prepared to be active in making their views known. National and local newspapers became the means of party propaganda. Newspapers which had been founded in the 1820s or earlier to support or oppose the cause of political reform, in the study area, tended to support Moderatism or Voluntarism. Thus the Non-intrusionists were forced to found new titles. Within the study area the *Fife Sentinel* and *Dundee Warder* were begun for this purpose 1843 but neither continued for long after the Disruption.

It was to be expected that, following the extension of the franchise for parliamentary and burgh elections¹⁰², a demand for change in the way ministers of the Church of Scotland were settled into charges would soon follow. The Veto Act was seen, by its initiators, as a way of bringing about that change while still allowing lay patrons to retain their

101. see Chap.8 p.210 below.

102. 2 & 3 Wm. IV c.65 17th July, 1832.
3 & 4 Wm. IV c.76 and c.77 28th April, 1833.

privileges. It is possible to argue, as the Moderates did, that there were better ways of achieving the necessary alterations than the Veto Act. However, before James Robertson (Ellon) published his pamphlet on the Veto Act¹⁰⁸ the Moderate case had seemed to be based mainly on prejudice against any alteration of patronal power.

Robertson, after an almost obligatory Moderate claim that the Church had no power to pass the Veto Act, presented a plausible case against the act. He asserted it was inconsistent with Presbyterian church government and lessened the spiritual jurisdiction of the Church since it removed the power of presbyteries to judge the qualifications of ministers. It was also subversive of true liberty since it removed the right of a presentee to an open trial and judgement of evidence. Finally Robertson claimed that the same objectives could have been obtained by a properly directed application of the powers already possessed by the Church.

Unfortunately for the Church, by 1840, the time for logical discussion of its problems was rapidly passing. With each Erastian judgement by the civil courts the membership of the Church became increasingly polarised. The situation was not helped by the indifference of successive governments in London which consistently refused to make any concessions to the aspirations of many Scots.

The differences in the methods and balance of the reactions shown in the three study presbyteries can be seen as a reflection of the social and economic base of each area. Dundee, heavily urbanised and industrialised, with the new business middle class, who were temperamentally unsuited to resisting change, well to the forefront as community leaders showing support for non-intrusion from the start of the controversy.

St. Andrews Presbytery area was almost entirely reliant on agriculture and fisheries as an economic base and so, as in most such communities, somewhat resistant to change. This was especially apparent in the lairds and university professors who were the leaders of society in the area and who tended to be firmly on the Moderate side of the controversy.

86. James Robertson, *Observations on the Veto Act*, (Edinburgh, n.p., 1840)

Cupar came somewhere between the two extremes with some, mainly textile, manufacturing and much farming. Opinion in the area seems to have been fairly evenly divided at the beginning of the controversy but slowly hardened to the Non-intrusionist side as the civil courts encroached further and further into the freedom of the Church courts.

Most writers on the history of the Church of Scotland in the period 1830-50 tend to show the Church/State debate as a matter solely relating to the working of the 1712 Patronage Act. This, however, was only the surface controversy. There were two other deeper and more fundamental issues involved.

One of these was a struggle for survival by the *Ancien Regime* against the forces of reform and modernisation. This was one facet of a struggle which had been going on for almost a century throughout western Europe. A partial, bloody solution had been found in France during "The Terror" of the 1790s. A more permanent but not final solution for many countries came in the series of revolutions which earned 1848 the title "the Year of the Revolutions".

The second issue involved in the Church/State controversy was entirely a Scottish one but was not unrelated to the first. Over the years since the Reformation the Scottish Parliament, by various enactments, had fostered two separate hierarchies of courts without attempting to delineate the boundaries of their respective jurisdictions in their relationship to each other.

One set of courts led to the Inner House of the Court of Session and was concerned solely with civil and criminal matters. The other courts culminated in the General Assembly and dealt solely with ecclesiastical concerns of the Church of Scotland. While obviously some civil matters could have ecclesiastical aspects and, especially after the re-introduction of lay patronage, ecclesiastical matters had civil rights aspects Parliament had never decided which of these "grey areas" should be within the jurisdiction of which courts. The system had worked satisfactorily for centuries solely because no one had challenged the decisions of the one in the other supreme court. It was only when Robert Young, in defiance of his licentiate oath, asked the Court of Session to reverse the decisions of the General Assembly that the defects of the system really came to light.

In the later years of the Church/State controversy it became almost commonplace for supporters of the *status quo* to deride claims by the Church courts that they had the power to decide what matters in dispute were spiritual and thus came within their jurisdiction. The basis of this derision was a claim that such power would enable the Church to decide that every dispute had spiritual aspects and, thus, should be settled in Church courts. Further more, it was said that if this was allowed it would lead to theocratic government of the worst kind. The claims of the Court of Session to decide what issues were spiritual and which were temporal could also have been derided (but were not) since this argument allowed the civil court to claim, as it did, that any spiritual matter had civil rights implications.

With hindsight it is easy to say that it should have been apparent to all concerned that the only practical solution to the dilemma, short of the disestablishment of the Church of Scotland, was parliamentary intervention to delimit the jurisdictions of the various courts. The Government in London failed to take action because it was unable to grasp the root cause of the problem, particularly as their chief advisers¹⁰⁴ minimised the extent of Scottish feeling on the issue. It was not until after the Disruption that the Scottish Benefices Act¹⁰⁵ went some way to providing a solution.

104. Ostensibly the 4th Earl of Aberdeen was the most influential but in reality it was John Hope, Dean of the Faculty of Advocates, and later Lord Justice Clerk.

105. 6 & 7 Vic. c.61 17th August, 1843.

CHAPTER 3
THE CHAPEL ACT

The demographic changes following the Industrial and Agricultural Revolutions and the urbanisation of many parts of Scotland showed the ancient parish organisation of the Church of Scotland to be inappropriate and quite inadequate to meet the new demands made upon it. The Church was unable to respond readily to these demands because of the rigidity of its parochial organisation. This resulted from an Act passed in the last days of the Scottish Parliament which gave the Court of Session the power to 'disjoin too large parishes' but only if three-quarters of the heritors agreed.¹ Heritors were very reluctant to agree to any disjuncture of a parish since it would reduce their incomes.²

Nevertheless, if the Church was to continue, in the new conditions, to fulfil its ancient duty to promote the spiritual, moral and social welfare of the whole population of the country there was, by the 1820s, an urgent need for the provision of many new churches each with its own minister, kirk session and operational area. This need had been recognised by the Church in the late eighteenth century but little progress had been made towards a solution.

One answer to the problem would have been the erection of chapels of ease or preaching stations³ in over populous parishes. These were places of worship designed to provide extra accommodation for people wishing to attend church services but for whom there was no room in the parish church. They had to be financed by private funds

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1. *Act anent the plantation of kirks and valuation of teinds.*
APS vol.11 p.433 1707
 2. Heritors were defined as owners or feuars of lands separately valued on the valuation roll. They could be corporations e.g., burgh councils or unions of people e.g., railway companies. Heritors retained the unappropriated teinds of a parish as part of their personal incomes from which they were required to provide and maintain the parish church, manse and glebe. If a parish was disjoined these expenses immediately doubled and the stipend of the extra minister also had to be provided from their share of the teinds.
 3. A Chapel of Ease was staffed by an ordained minister whose stipend was usually about £80 while a preaching station was manned by a probationer whose stipend was about £60 a year. Both were controlled by the minister and kirk session of the parish in which they were built.

raised by "those who valued religious ordinances and were willing to make pecuniary sacrifices to maintain them".⁴ However, instead of encouraging the proliferation of chapels the Moderates on General Assembly, many of whom disliked chapels because they could be used to avoid the services of unpopular ministers, made the granting of a constitution (licence)⁵ for any chapel as difficult as possible. In 1798 General Assembly decreed that no chapel of ease could be erected without its approval.⁶ The same Assembly approved a constitution for the new Gaelic Chapel in Glasgow which clearly shows that it was to be controlled by the existing kirk sessions. Clause XV of the regulations states that the minister could only admit to communion those with certificates of moral character granted by parochial sessions.⁷

Heritors were also opposed to chapels because they diverted church door collections away from parish poor funds thus possibly imposing a heavier burden on the heritors' pockets. The main source of income of a parish poor fund was the collections made at the parish church door after services. If these proved to be insufficient for the needs of the poor the heritors had to make up the difference by a voluntary assessment or, if this was refused, by a legal assessment.⁸ Collections made at the door of a chapel, by its constitution, were to be devoted to paying the minister's stipend and other necessary expenses. Despite the fact the collections were the only source of chapel income, many heritors felt the money should be used only for poor relief.

There does not seem to have been any State or Church legislation expressly authorising the erection of chapels of ease and they would appear to have been the revival and adaptation of the pre-reformation

4. Buchanan - *Ten years conflict* (1852) vol.1 p.230.

5. A constitution regulated the affairs of a chapel including the way in which the ministers were to be appointed. Thus without a constitution the managers of a chapel were unable to obtain the services of a minister.

6. *Act and regulations respecting the erection of chapels of ease.* AGA 1798 p. 11.

7. AGA 1798 p.37.

8. *Act anent the poore.* APS vol.VI ii p.220 1st March, 1649.

custom of wealthy persons building a church in a place convenient to themselves for their own use and for such local people as cared to attend. Buchanan asserted that only sixty-two chapels had been set up in the hundred years before 1833. Twenty-two of these had been erected between 1798 - 1826.⁹ In addition forty chapels had been built in the Highlands and Islands with a Government grant in 1823. Originally the grant was to be spread over five years and the ministers' stipends were fixed at £100 a year.¹⁰ The next year, 1824, an amending act made the whole grant available immediately. Furthermore ministers' stipends were raised to £120 and heritors made responsible for the upkeep of the church buildings.¹¹ Both acts vested the patronage of the charges with the Crown. Despite some efforts by the Church, the Government refused to provide money for similar churches in the overcrowded burghs in the Lowlands.

Dundee Burgh was particularly active in encouraging the provision of extra places of worship for the growing population.¹² A chapel (St. Andrew's) was built in 1772 as a joint venture by The Nine Trades¹³ who held six shares; the Three United Trades¹⁴ who had three shares; and the Dundee General Session with twelve shares.¹⁵ The Steeple congregation which had previously occupied the nave of St. Mary's Church moved to a new building on 17th May, 1789 and became known as

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9. Buchanan *Ten years conflict*, 1853 vol.1 p.233
 10. *An act for building additional places of worship in the Highlands and Islands of Scotland*. 4 Geo. IV c.79 18th July, 1823.
 11. *An act to amend an act for building additional places of worship in the Highlands and Islands of Scotland*. 5 Geo. IV c.90 21st June, 1824
 12. The New Statistical Account shows the population of the Parish of Dundee had grown from 12 426 in 1766 to 45 355 in 1831.
 13. A union of the Incorporated Trades of Baxters (bakers), Cordiners (shoemakers), Glovers or Skinners, Tailors, Bonnet makers, Fleshers, Hammermen (all kinds of metal workers), Weavers and Litsters (dyers but also including fullers or waulkers). A.M. Smith, *The three united trades of Dundee*, (Dundee, Abertay Hist. Socy., 1987) p.15.
 14. A union of the Incorporated Trades of Masons, Wrights and Slaters. A.M. Smith, *The three united trades of Dundee*, (1987) p.7
 15. Fasti vol.5 p.336; St. Andrews Managers minutes.

St.Clement's. St.Clement's parish was officially disjoined from St.Mary's Parish by the Court of Teinds on 3rd December, 1834.¹⁶ A Gaelic Chapel to cater for the immigrants from the Highlands and Islands was opened in 1791.¹⁷ Later the same year the Relief Church congregation in the Chapelshade area returned to the Church of Scotland and their building, as a chapel of ease, provided extra accommodation in the town centre for adherents of the Established Church.¹⁸ The Haldanite church¹⁹ building in Dundee became vacant in 1823 due to internal divisions in the congregation. The Burgh Council purchased the building and, after the Court of Teinds had agreed to the adjacent area being erected into a parish *quoad omnia*, opened it as St.David's Parish church.²⁰ In addition to making this extra provision for church attendance, the burgh council, during the next few years, spent £9 000 (well over £700 000 at today's values) on repairing and improving the other Established churches in the centre of the town.²¹

Three years after St.David's opened for public worship, a chapel was opened, in 1826, in the newly established but rapidly growing middle class suburb of Broughty Ferry.²² Finally another chapel was opened in 1831 at Lochee to cater for the expanding housing estate of textile workers.²³ Both the Broughty Ferry and Lochee churches were built with private funds and thus were not subject to the patronage or control of the burgh council. It was the private nature of the debt on the Lochee church buildings that made it so difficult for the Established Church to retain them after the Disruption.²⁴ These places of

16. Fasti. vol.5 p.322. The Court of Teinds was the Court of Session sitting in the special capacity assigned to it by the Scottish Parliament in 1707.

17. Fasti. vol.5 p.333.

18. Fasti vol.5 324.

19. Robert and James Haldane founded, in 1798, a religious sect which was the forerunner of Scottish Congregationalism. Ferguson, *Scotland*, 1968 p.230.

20. Fasti. vol.5, p.327.

21. Rollo, *Dundee historical fragments*, (1911). p.47.

22. Fasti. vol.5, p.311.

23. Fasti. vol.5, p.334.

24. pp.131-33 below.

worship were supplemented by a preaching station in the dock area to provide for the spiritual needs of the merchant seamen, fisher folk and longshoremen living in the area and for the crews of visiting ships. After 1833 when Dissenters joined Dundee Council little money was spent on the town churches.

Despite these efforts in Dundee and similar ones in other large towns it was, or should have been, plain to all churchmen that some energetic measures must be adopted if the Established Church was to retain more than nominal influence over the spiritual and moral development of the majority of the population in areas of demographic expansion. The New Statistical Accounts relating to the study parishes give some indication of the situation regarding church accommodation in the areas under discussion. Seven ministers declared their churches were too small for the parish population.²⁵ In only two of the 52 parishes within the bounds of the presbyteries of Cupar, Dundee and St. Andrews, excluding Dundee parish, were the parish churches reported as having been enlarged during the period 1795 - 1830. The church at Kingsbarns had been extended to seat 650 people in 1811. Here the parish population had grown to 1 023 by 1831. After 1826 the church in Largo could seat "nearly 800" of the 1831 population of 2 567.

Overall, between 1790 and 1831, the populations of six (11%) of the parishes grew by more than 100% and the populations of a further eight (15%) increased by between 50% - 99%. These figures, although a crude measure of the problem²⁶, do give some indication of the task facing the Church of Scotland.

In 1828 the General Assembly decided to act in the matter. A committee was appointed with instructions to discover a remedy to the problem and report back as soon as possible.²⁷ This committee does not seem to have been particularly active as no report was presented for

25. Balmerino, Cupar, Forgan, Kilrenny, Logie, St. Andrews and Strathmiglo.

26. The measure is crude since it ignores any church accommodation provided by non-Established churches.

27. AGA 1828 - abridgement pp.36-7.

some years.

The first positive moves by General Assembly to tackle the whole question of chapels of ease came in 1833. In that year Assembly, on a motion by George Cook²⁸, passed a declaratory act²⁹ whereby the:-

"districts in Scotland now or to be hereafter provided with places of worship and ministers in terms of the Acts 4th Geo. IV c.79 and 5th Geo IV c90 shall be erected into separate parishes *quoad sacra* and declared separated from the parishes of which they at present form a part."

The ministers of these parishes were also permitted to have seats on Church courts.³⁰ The intention of this Act was to erect an area around each of the churches built by Government grant in the Highlands and Islands into a *quoad sacra* parish. The new parishes were for spiritual purposes only and their formation would have no effect on the civil rights and duties of the kirk sessions of the original *quoad omnia* parishes. It would seem that the only controversial effect of the Act was the granting of seats on higher Church courts to the ministers and representative elders of the new parishes and this was to be a source of later trouble to the Church.

Nevertheless, despite two petitions (one of which was from Dundee) and "several overtures on that subject", this Assembly refused to take similar action in respect to other chapels of ease. Assembly did express its "deep interest" in promoting the effectiveness of chapels and appointed a committee "to consider by what means these objects will be most efficiently and extensively carried into execution".³¹

The following year (1834) the newly commissioned Popular Party majority on the General Assembly passed the Chapel Act by the large margin of 152 votes to 103.³² In total there were 24 commissioners to this Assembly from the study area. Eleven were ministers, five

28. Professor of Moral Philosophy at St. Mary's College and leader of the Moderate party in Assembly.

29. An act intended to clarify existing legislation but not enact new principles.

30. *Declaratory enactment as to Parliamentary churches.*, AGA 1833 p.9.

31. AGA 1833 - abridgement pp.40-41.

32. *Declaratory enactment as to chapels of ease*, AGA 1834 pp.27-8.

presbytery elders, seven elders representing royal burghs and one (Robert Haldane, St. Andrews) representing the University. Nine of these commissioners, including John Hope, Dean of Faculty, who was one of the St. Andrews Presbytery elders, abstained from voting on the Chapel Act, ten commissioners voted for the Act and five (all from the St. Andrews Presbytery area) voted against. These figures show the strength of opposition to change which existed among ministers and elders in St. Andrews Presbytery.³³

The Chapel Act was very similar to the "Act anent Parliamentary churches" passed by Assembly the previous year. The only difference being that presbyteries were instructed to designate an area around each chapel as the *quoad sacra* parish to which it would provide spiritual oversight.

Despite the similarity with his own act the year before, George Cook opposed the Chapel Act on the grounds that its enactment was beyond the powers of the Assembly. He argued the Church had no powers to place chapels on the same footing as parish churches. Presbyteries were civil courts and it would require an act of Parliament to extend civil privileges. Cook continued his arguments by stating that London opinion agreed with him but that the necessary act could be easily obtained if Assembly asked.³⁴

Replying to Cook's arguments, Alexander Dunlop, a lawyer and later Procurator of the Church, drew Assembly's attention to the Act of Parliament which established the Church of Scotland in 1567.³⁵ This act, he claimed, declared the constituent members of the Church to be:-

"not the 'ministers of parishes' or the 'holders of benefices' but the '*ministers of the blessed evangel of Jesus Christ*, whom God in his mercie has now raised up amongst us, or hereafter sall raise, agreeing with them that now lives in doctrine and the administration of the sacraments'".

He also referred to the Parliament Act of 1592³⁶ which ratified the constitution of the Church as it then existed and the important part of

33. Pres. Rev. vol.5 p.517.

34. Pres. Rev. vol.5 p.474.

35. *Anent the trew and haly kirk and of thane that ar declarit not to be of the samin.* 1567. APS. vol.3 p.23

36. *Act for abolishing of the actis contrair the trew religioun* 1592 APS vol.3 p.541

which was "that all pastors of congregations were entitled to rule as well as teach".³⁷ By these acts it would seem that the Church was fully justified in allowing ministers of chapels of ease and their elders to sit on Church courts.

It has often been said that Cook's opposition was based more on a belief that the Chapel Act would greatly increase the number of supporters of the Popular Party on Church courts than on any notion of the incompetency of Assembly to pass the Act. If this statement is true, then events proved his supposition to be correct.

As with the Veto Act the elders commissioned by the royal burghs played a not unimportant part in the enactment of the Chapel Act. Of the seven burgh elders from the study area five³⁸ voted in favour, one (Sir Ralph Anstruther of Balcaskie (Anstruther Easter)) opposed and one (Robert Bruce of Kennet (Anstruther Wester)) abstained. There was a total of 64 burgh elders commissioned to this Assembly and of these 34 (53%) voted for the Act, 14 (22%) were opposed and 16 (25%) abstained. Elders commissioned by presbyteries (94 in all) were not so definite in their support for the Act. Of these elders 35 (37%) voted in favour, 27 (29%) against and 32 (34%) abstained. These figures show the importance of the elders votes on this issue. 69 elders (45% of the total 'yes' vote) supported the Act and 41 (39% of the 'no' vote) opposed it.³⁹ The figures also tend to show a great concern among lay members of the Church for its future development.

The Chapel Act gave great impetus to the cause of church extension since chapel ministers were now seen to be 'proper' ministers each with his own parish, kirk session and a seat on higher Church courts. It also seemed as if parish heritors and kirk sessions could no longer lay claims to the funds of chapels. The upsurge in the Church Extension movement met with strong opposition both within and without the Church of Scotland.

37. Pres.Rev. vol.5 p.479.

38. Peter Walker of Muirhead (Cupar), Dr.Thomas Gillespie (St.Andrews), Andrew Johnstone yr of Renniehill (Pittenweem), Peter Jarvis, farmer (Crail) and Alexander Keay W.S. (Dundee)

39. Pres. Rev. vol.5 pp.517 ff.

At the meeting of the Cupar Presbytery in August, 1838 two ministers, Henry Cook (Kilmany) and Alexander McArthur (Dairsie), "violently opposed Church Extension meetings to raise funds" for new places of worship. They considered them to be unwarranted interference with the duties of parish ministers. They also asserted extension churches were likely to lead to strife and divisions among parishioners. Presbytery held a long discussion on the subject but did not vote on it or record it in their minutes.⁴⁰

The *Fife Journal*, *Fife Herald* and *Dundee Advertiser* all reported on many meetings held in the study areas and elsewhere, either to support or oppose the cause of Church Extension. It is interesting that meetings held by supporters of the movement were often reported as being rowdy whereas opposition meetings, usually held by the Voluntary churches, were invariably described as having been quiet and orderly. The editor of the *Fife Journal* provided an indication of the possible cause of the difference. Referring to a Church Extension meeting in Auchterderran, he condemned the "riotous behaviour" of a section of the attenders and then comments that "the chief interrupter caused no trouble at a succeeding Voluntary meeting".⁴¹

The *Fife Herald* was somewhat different from the other two newspapers in that it always referred to these meetings as being concerned with extra endowments for the Church of Scotland. It stressed the number of meetings held to oppose any extension of the Established Church and highlighted the number of petitions sent from the meetings to Parliament. In his only editorial on the subject the editor rebutted the claim that the Church of Scotland was in need of more public money "to extend its influence at the expense of the voluntary churches".⁴²

The decision of the Law Lords in the Auchterarder case in 1839 brought an end to the controversy. The Established Church became much less concerned with Church Extension in favour of the more

40. *Fife Herald* 23rd August, 1838

41. *Fife Journal* 7th March, 1839

42. *Fife Herald* 31st May, 1838

important issues of non-intrusion and spiritual independence.

Nevertheless funds for new chapels were raised to such an extent that by 1840 Thomas Chalmers, as convenor of its Church Extension Committee, was able to report to General Assembly that 222 extra churches had been built.⁴³ These included one *quoad sacra* church and one preaching station in Cupar parish, one preaching station in Kilconquhar parish, four *quoad sacra* churches in Dundee burgh and one chapel of ease in St. Andrews burgh.

Shortly after the passing of the Chapel Act, Parliament enacted a piece of legislation which besides removing places of worship built by voluntary contributions from the scope of the 1712 Patronage Act also, at first sight, seemed to legalise the erection of *quoad sacra* parishes by Church courts.⁴⁴ It referred to places of worship built by voluntary contributions which:-

"...shall be erected into a parochial church, either as an additional church within a parish already provided with a parochial church, or as the church of a separate parish to be erected out of the part or parts of any existing parish or parishes, whether the same be established and erected *quoad spiritualia*, by authority of the church courts of the Established Church of Scotland, or also *quoad temporalia*, by authority of the commissioners of the Court of Teinds".

This seeming grant of power to the General Assembly to erect *quoad sacra* parishes was qualified by the last section of the Act.

"...nothing in this Act is to limit or affect the power of the Commissioners of Teinds exercised under 'Act of Scottish Parliament, 6th of Queen Anne c.9[sic] intituled An Act anent the Plantation of Kirks and valuation of Teinds'".

It was this sentence which, it would appear, was used by the Court of Session to justify its ability to pass judgement in the Stewarton case.

The constitution of a chapel always contained a number of clauses regulating the appointment of its ministers. The first minister was usually elected by those people who contributed five pounds or more towards the construction of the chapel. Subsequent ministers

43. William Law Mathieson, *Church and reform in Scotland* (Glasgow, James Maclehose, 1916) p.297.

44. *An act to regulate the appointment of ministers to churches in Scotland erected by voluntary contribution.*
4 & 5 WmIV c.41 30th July, 1834.

were elected by those who had held seats in it for a fixed period, usually the two years immediately preceding the vacancy, and who were in full communion with the Church of Scotland.

There was not the same degree of public controversy over the Chapel Act as was generated by the Veto Act. This was largely due to the fact that the judges of the Court of Session did not publicly pronounce the Chapel Act to be illegal, in an 8 - 5 majority judgement in the Stewarton case, until January, 1843⁴⁵ whereas the Court had given judgement on the Veto Act four years before.

The lack of public controversy on the issues involved is reflected in the apparent lack of interest in the case shown by the local press. None of the available local newspapers referred to the case more than once. The *Fife Herald* printed a factual report of the judgement without making any editorial comment.⁴⁶

The editor of the *Fife Journal* rightly asserted that the judgement was one of the most important deliverances affecting the constitution of the Church. The civil court had ruled that the Church had no power to set up *quoad sacra* parishes or to allow the ministers of such charges to sit on its courts. He continued, "It will also deprive the whole of the past proceedings of these courts - while thus unduly constituted - of all validity in the eye of the law." The editor concluded that there was no prospect of any appeal being effective.

The *Dundee Courier* agreed with the *Fife Journal*. An editorial said:-

"The *quoad sacra* decision [was] a heavy blow and a great discouragement to the Non-Intrusionists.... All the elections at Presbyteries wherein *quoad sacras* have voted will become null and it is more than probable that the Non-Intrusionists will be the minority in the next Assembly and that the Veto Act will be repealed."⁴⁷

45. The details of this case, which related to a parish in Ayrshire, have been widely discussed in the literature but lie outwith the scope of this study.
see Lyall, *Of presbyters and kings* 1980 pp.43-6

46. *Fife Herald* 26th January, 1843.

47. *Fife Journal* 26th January, 1843. *Dundee Courier* 11th April, 1843.

The *Dundee Advertiser* took a slightly different line. Its editor claimed that *quoad sacra* ministers had been "an example of pure and unauthorised intrusion" and the Stewarton judgement would "greatly curtail the predominant and overbearing influence of the Non-Intrusion Party" in the Church. He also thought that the judgement would bring the crisis in the Church very much nearer.⁴⁸

Thus the local Tory and Liberal newspapers were ready to accept the Stewarton judgement as an unalterable fact and to restrict their comments to its effects on the Non-intrusion Party. The *Fife Sentinel*, as was to be expected of a Non-intrusion organ, attempted to decry the judgement as a matter of prejudice against the Church. It claimed, rightly, the Church had always been free to extend its sphere of operations to provide for need. The editor then quoted a statement made in 1836 by Lord Hope, Lord President of the Court of Session, regarding the Chapel Act. In this he said:-

"The Assembly made no disjunction of parishes *quoad civilia* but it declared the ministers to be members of all Church Courts; and it also declared them to possess all privileges of the Parish Ministers of Scotland and that, the Assembly alone could do. I conceive the same power to be exercised in analogous cases such as when second ministers were appointed or in any of the numerous instances where new ministers were appointed in Scotland."

Lord Hope was one of the judges who declared the Chapel Act to be illegal in the Stewarton judgement. It would be very interesting to know whether his change of mind was due to external pressure, possibly from his son John Hope, Dean of Faculty, or to prejudice against the activities of the Non-intrusionists in the Church.⁴⁹

The case destroyed the last basis of Popular Party control of the General Assembly. Control was lost due to:-

"...their ill advised quarrel with the Secession churches over endowments; the 'Middle Party'⁵⁰ split in their own ranks; and the effects of the Stewarton decision".⁵¹

48. *Dundee Advertiser* 27th January, 1843

49. *Fife Sentinel* 2nd February, 1843. See also p.29 above.

50. The Middle Party were a group of ministers, mainly members of the Synod of Glasgow and Ayr, who had supported the Popular Party in the non-intrusion movement. However, they felt the issue was not important enough to warrant a schism in the Church of Scotland.

51. Maciver, *The General Assembly of the Church, the State and society*, 1977. pp.103-4

This judgement may have been too late to fuel public debate but it was in time to become a decisive factor in leading many people to join the Free Church in May, 1843. Maciver effectively sums up the situation by paraphrasing Lord Cockburn's⁵² 'Journal':-

"[The Court of Session decision] effectively froze the physical structure of the Kirk, and he [Cockburn] again stressed its effect in depriving it of another aspect of its independence. It also deprived over two hundred ministers of representation in their Church's own courts and set its constitutional structure back to the status of 1833, making an already projected Disruption almost inevitable".⁵³

Even more importantly than the points made by Lord Cockburn, the Stewarton decision called into question every decision reached, after 1834, by every church court, from presbytery to General Assembly, which had *quoad sacra* ministers among its members. It was this aspect which made the judgement so shattering for the Church of Scotland. Because of this judgement church courts were interdicted from deposing, among others, one minister who had been found guilty of theft and another found guilty of fraud.⁵⁴

Although there was little public controversy about the Chapel Act there was much debate in church courts. The rest of this chapter examines this debate in the three study presbyteries.

THE PRESBYTERY OF ST. ANDREWS

St. Andrews Presbytery, in response to an enquiry from General Assembly in 1834, declared there had never been a chapel of ease within its bounds. This was strictly true but the Presbytery must have known that William Ferrie, minister of Kilconquhar, was well advanced with plans to establish one at Largoward, a village at the northern edge of his parish, as this was opened eighteen months later.⁵⁵

52. Court of Session judge 1834-50, a Whig and supporter of the Free Church claims.

53. Iain C. Maciver, Cockburn and the Church, in Alan Bell (ed) *Lord Cockburn: a bicentenary commemoration 1779-1979*, (Edinburgh, Scottish Academic Press, 1979) p.181.

54. Brown *Annals* pp. 46-7.

55. St. Andrews Presbytery minutes 5th February, 1834; 26th August, 1835.

Furthermore, a few months later still, in 1836, Robert Haldane⁵⁶ was "at great personal expense" supporting two missionaries (probationer ministers) in preaching stations in Strathkinness and Boarhills.⁵⁷ However, there is no evidence that the Presbytery tried deliberately to mislead Assembly on this issue and to assert otherwise would be unjust.

At its December, 1834 meeting Presbytery expressed the opinion that there had been "an unconstitutional exercise of power in the procedure of the last General Assembly respecting Chapels of Ease and the ministers thereof" as the resolution had been passed in violation of the Barrier Act.⁵⁸ Presbytery agreed, unanimously, to transmit an overture asking Assembly to rescind the Chapel Act.⁵⁹ It must be stressed that Presbytery had not protested against the similar act relating to Government churches and was the only one of the three study presbyteries to make any adverse comment on the Chapel Act.

In some respects the members of St. Andrews Presbytery displayed an ambivalent attitude to the whole question of church extension. They opposed the Chapel Act which was designed to, and in fact did, promote church extension. At the same time they were stressing the need for petitions, to be addressed to Parliament asking for support for church extension, which were at that time circulating in parish congregations, to be "numerously signed".⁶⁰ However the petitions were not so free of controversy as Presbytery appears to have thought.

The petition which circulated in St. Andrews was signed by some members of the Burgher Church who had misunderstood its purpose. No

56. Principal of St. Marys College, Professor of Mathematics in St. Andrews University and minister of the first charge in St. Andrews Parish. His total emoluments were £1 000 p.a.

57. Nelda Seed, *Strathkinness; a glimpse of a Scottish village* (n.p., 1986) p.36; St. Andrews Presbytery minutes 7th January, 1846. Boarhills and Strathkinness were the only two villages in St. Andrews Parish large enough and remote enough from the parish church to warrant setting up preaching stations in them.

58. This act had been passed by the 1697 Assembly. It provides that any proposals affecting the whole church must be presented to General Assembly as an overture. Assembly, if it sees fit, sends the overture to presbyteries for discussion. If a majority of presbyteries approve, the next General Assembly can pass the overture into permanent law. AGA 1697 cited in R.H. Story (ed) *The Church of Scotland* n.d. vol.4 p.583

59. St. Andrews Presbytery minutes 3rd December, 1834.

60. St. Andrews Presbytery minutes 18th February, 1835.

action was taken by the Kirk Session against most of these members but an elder who had signed the petition was forced to resign from the session but was not barred from the communion table.⁶¹ Leuchars Kirk Session refused to allow the petition to be circulated in the parish after the elders disagreed over the matter.⁶²

The Presbytery did not concern itself further with the Chapel Act until after the re-union of the congregations of the Original Secession Synod with the Church of Scotland in 1839.⁶³ Ralph Robb and his congregation at Strathkinness were admitted to the Church of Scotland in September, 1839 but Presbytery refused to admit Robb to their roll until a constitution had been procured for the church. The question of allocating a territorial district to it was deferred. At its next meeting Presbytery accepted a commission from Strathkinness Kirk Session to George Aitken as representative elder to Presbytery and to the Synod of Fife.⁶⁴

Trouble relating to the working of the Chapel Act began to appear at the Presbytery meeting in February, 1840. For the first time the Roll of Presbytery contained the names of the minister and elder from Strathkinness. Seven ministers immediately protested in writing. They declared:-

"We whose names are subscribed request that it may be recorded that apprehending as we do that the admission of those persons [the minister and elder of Strathkinness] will be found to be contrary to law - we shall be exempted from every penal consequence that may in this case result either to Presbytery or to its individual members".

It was signed by Robert Haldane (first charge, St. Andrews), George Milligan (Elie), James Hunter (St. Leonards), Anstruther Taylor (Carnbee), J.J. Jackson (Professor of Divinity, St. Mary's College), Hew Scott (Anstruther Wester) and David Watson (Leuchars). These ministers were in effect echoing George Cook's claim in the 1834

61. Hope Park Kirk Session minutes March - July, 1835.

62. Leuchars Kirk Session minutes 22nd February, 1835.

63. There were three such congregations in the study area. William Elder was minister to the one in Cupar, Ralph Robb minister in Strathkinness and Robert Aitken minister at Willison, Dundee.

64. St. Andrews Presbytery minutes 18th September and 27th November, 1839

Assembly, that the Church had not the legal power to pass the Chapel Act. They were also ensuring that they would not suffer possible financial penalties by continuing to attend Presbytery meetings.

As the next item of business, Alexander Meldrum of Kincaple, an elder and heritor in St. Andrews Parish, and Charles Nairn (Forgar), asked Presbytery not to allocate the west part of the parish of St. Andrews, *quoad sacra*, to the Strathkinness congregation as they hoped to persuade the other heritors to approach the Court of Teinds to disjoin the area as a new *quoad omnia* parish.⁶⁵ In this project Meldrum and Nairn were unsuccessful as it seems that the other heritors opted for the *status quo*.

These protests did not prevent Presbytery from electing Ralph Robb as its moderator for the period May to October, 1840. He was also elected Moderator of the Synod of Fife in October, 1841.⁶⁶

In December, 1840 Presbytery heard objections from heritors against the erection of a *quoad sacra* parish at Strathkinness. Robert Haldane also entered an objection as such a parish would be "unnecessary and tending, on account of the existence of a chapel in the area, to the injury of the Parishioners". This seems a specious argument as a *quoad sacra* parish would not have 'injured' the parishioners in any way but, on the contrary, would have had advantages for them. The kirk session would be composed of local men who understood the needs of a rural district in a way the urban business men and academics who dominated the parish kirk session in St. Andrews could not. Furthermore there was no longer any need for the Church to maintain a chapel in the village.

Having heard the objections, a motion to erect a *quoad sacra* parish at Strathkinness was defeated by fifteen votes to nine in favour of a motion declaring "no action be taken on the grounds that a *quoad sacra* parish encroached on the rights of heritors and on the interests of the subscribers and congregation of the new extension chapel there". The mention of a 'new extension chapel' is misleading since it can only

65. St. Andrews Presbytery minutes 5th February, 1840.
Both Meldrum and Nairn joined the Free Church in May, 1843.

66. St. Andrews Presbytery minutes 6th May, 1840; Synod of Fife minutes 12th October, 1841

refer to the preaching station maintained by Haldane in the village school. There is no evidence of any church building, other than that of Ralph Robb's congregation in the village at that date. Indeed Seed maintains that the school was used for services by the Established Church between 1836 and 1864 at which date a church was built.

Following the deliverance Ralph Robb appealed to Synod and was supported by Robert Brown (Largo), William Nicholson (Ferryport) and Charles Nairn (Forgan).⁶⁷ When the matter came before it the Synod of Fife upheld the appeal by twenty votes to four and ordered Presbytery to assign a district to Strathkinness. The heritors appealed to the next General Assembly. Assembly also ordered a district to be assigned to Strathkinness but added that Presbytery should avoid interfering with the civil rights of heritors.⁶⁸

The only 'civil rights of heritors' which possibly could have been affected were those to free seats for themselves, their families, servants and tenants within the parish church. It would have been easy for opponents of the Chapel Act to have engendered a fear among those heritors who resided in the Strathkinness area that these rights would be lost if a *quoad sacra* parish was erected in the district. If these fears had been justified the heritors would not only have lost their free seats but would have had to pay seat rents in the new church. More importantly they could have feared they would lose prestige by not attending the parish church. In fact such fears were groundless since the erection of a *quoad sacra* parish did not affect the obligations and rights of any heritor in connection with the parish church. When a similar problem arose in Cupar Parish the Presbytery of Cupar effectively silenced the heritors' protests by a public declaration that their rights were unaffected.⁶⁹ The contrasting ways in which the two presbyteries dealt with heritors' objections highlights the dissimilarities between them which were discussed earlier.

67. St. Andrews Presbytery minutes 2nd December, 1840; Seed, *Strathkinness*, 1986 p.36.

68. Synod of Fife minutes 13th April, 1841; St. Andrews Presbytery minutes 15th June, 1841.

69. p.83 below.

Shortly after the deliverance of General Assembly had been reported to Presbytery the Strathkinness heritors obtained an interim interdict from the Court of Session banning Presbytery from erecting a *quoad sacra* parish at Strathkinness. This required an answer to be lodged within fourteen days if it was not automatically to become permanent. Presbytery decided not to answer the interdict but to delay proceedings and report the case to the Commission of the Assembly. Robb protested "because by this deliverance the Presbytery have taken no steps to prevent the Interdict from becoming perpetual". By this action Presbytery was able to subvert the instructions of General Assembly without much risk of being arraigned before Assembly to answer for their decision. In September, 1841 Presbytery heard that the Church's agent (solicitor) and the agent of the heritors had agreed to let the case lie over until that of Stewarton, "the principle of which is the same", was decided. Presbytery agreed to this procedure.⁷⁰

Judgement was delivered in the Stewarton case on 20th January, 1843. At its March meeting Presbytery decided, by seventeen votes to eight, to remove the names of the Strathkinness minister and elder from its roll "they having no legal title to be members of presbytery". Presbytery refused to allow any appeal from the deliverance; even a protest taken by a Notary Public was disallowed. This behaviour led Robert Brown (Largo), Charles Nairn (Forgan) and Ralph Robb (Strathkinness), ministers and Robert Melville (Leuchars), George Aitken (Strathkinness) and Alexander Rhind (Forgan) elders to leave the meeting and set up another Presbytery of St. Andrews.⁷¹ Thus the Disruption of the Established Church of Scotland in the St. Andrews area occurred almost two months before the national disruption.

St. Andrews Presbytery showed itself to be favourably inclined to the principle of chapels of ease but only if they retained the status of preaching stations. It was implacably against the creation of *quoad sacra* parishes if their ministers were to sit on church courts. This was consistent with the hard Moderate line its members followed over the

70. St. Andrews Presbytery minutes 4th August; 29th September, 1841

71. St. Andrews Presbytery minutes 29th March, 1843; St. Andrews Free Presbytery minutes 29th March, 1843.

Veto Act. It is possible to see some justification for this attitude in members of a presbytery responsible for a rural area with few, if any, of the problems facing presbyteries responsible for large industrial urban areas like Dundee. Nevertheless it is not easy to understand the reasoning which acknowledges the need for church extension charges in some areas but refuses to countenance one major method of attracting funds for that purpose. One possible reason was that the Moderates on St. Andrews Presbytery, as elsewhere, feared the loss of their majority if *quoad sacra* ministers and their elders were granted seats on the court. This would have been unlikely in St. Andrews given the size of the Moderate majority in presbytery, the opinions of men likely to subscribe to the new chapels⁷² and the slight need for such parishes within the Presbytery bounds.

THE PRESBYTERY OF DUNDEE

Dundee Presbytery was quite different from St. Andrews. The majority of its members favoured the use of *quoad sacra* parishes in crowded urban situations. Dundee was the only area in the three study presbyteries where such parishes were really necessary. The burgh provides a classic example of how the development of *quoad sacra* churches could further the influence of the Church in the life of a densely populated, industrial settlement.

Prior to 1820 the whole Burgh of Dundee was one parish in the collegiate charge of five ministers with one kirk session of over eighty members. Each minister had his own congregation meeting in different parts of the single town church.⁷³ By 1834, however, two of these ministers and their congregations had been moved to buildings in other parts of the burgh to form the nuclei of the new *quoad omnia* parishes of St. Clement's and St. David's.⁷⁴

In the early 1830s the idea of dividing the remainder of the

72. Subscribers to the building costs of chapels usually elected the first minister.

73. This practice gave rise to references to, for example, "The Cross Church" which met in the transepts or to the "Steeple Church" which met in the nave. These terms have not entirely disappeared today.

74. Fasti. vol.5 pp. 322, 327.

parish into separate parishes each with its own minister and kirk session was beginning to find favour with local church leaders. Possibly this was due to growing awareness amongst elders that while they operated as one session they could not meet the needs of a rapidly expanding population.⁷⁵ The subject was discussed by the Kirk Session in January, 1832 but they decided by 47 votes to 32 to continue the existing arrangements.⁷⁶

The next year Presbytery received a petition from the three ministers of chapels of ease within Dundee parish.⁷⁷ They pointed out that contrary to the basic principles of the Church, particularly that all ordained ministers had equal status and rights, they were excluded from a share of Church government and the administration of discipline. The latter must suffer, they said, as they had no backing by a kirk session. Since at that time about ten per cent of all ministers in the Established Church of Scotland functioned in chapels of ease they asked Presbytery to overture General Assembly to make them parochial ministers *quoad sacra*. Presbytery decided, that being unable to discuss the subject due to lack of time, to remit the petition to Assembly without making any recommendation.⁷⁸

After General Assembly had taken no action in 1833 on the position of chapel ministers, Dundee Presbytery sent an overture to the 1834 Assembly recommending that chapels which had been allocated a district should be created *quoad sacra* parishes. David Cannan (Mains and Strathmartine), well known in Presbytery for ardent support of Moderate policies, recorded his dissent.⁷⁹

This Assembly passed the Chapel Act and in August, 1834 Presbytery began to act upon its principles although not without some opposition from David Cannan.

Presbytery's first action at this meeting was to admit David

75. In 1831 the population was 45 355 having increased by 48% since 1821 and 69% since 1801. These figures adapted from relevant census summaries.

76. Dundee General Kirk Session minutes 18th January, 1832.

77. At Broughty Ferry, Chapelshade and Lochee.

78. Dundee Presbytery minutes 1st May, 1833.

79. Dundee Presbytery minutes 7th May, 1834.

David Davidson (Broughty Ferry) and William Stewart (Lochee) as members. The admission of William Reid (Chapelshade) was deferred to allow time to study the constitution of his church. A committee was appointed to allocate a district, as a *quoad sacra* parish, to each minister in Dundee and to see that suitable elders were assigned to each kirk session. Canman protested and appealed to Synod on the grounds that there had been no time properly to consider such an important matter, that many members were absent and that Presbytery had no power to act.⁸⁰ This appeal was dismissed by the Synod of Angus and Mearns.⁸¹

Considerable controversy marked the December meeting of Presbytery. The Dundee General Kirk Session submitted that the division of the parish into *quoad sacra* parishes should not be delayed; new elders should be elected only to parishes in which they reside; the minutes of each kirk session be kept in uniform volumes and engrossed by the Clerk of the General Session which should continue to meet fortnightly⁸²; the areas allocated to St. Clement's and to St. Andrew's were too large in relation to their populations; and there was a need for all boundaries to be clearly discernable.

The burgh council protested that only they had the right to divide the town and that Presbytery could not do anything to limit their patronal rights. This protest seems to have been made solely as a matter of principle since the division of the burgh did not affect the council's patronal rights nor did it inflict a greater burden on local finances. Presbytery replied that their actions were competent under the old law and were not affecting the civil rights of the council. Archibald McLachlan (St. Mary's) protested his consent to the proposals was not to be taken as weakening his claim on the teinds of the parish for the future augmentation of his stipend. After a long discussion Presbytery decided to go ahead with the planned division of the

80. In fact there were thirteen of the eighteen ministers entitled to attend present at the meeting. Dundee Presbytery minutes 6th August, 1834. See p.87 below.

81. Synod of Angus and Mearns minutes 28th October, 1834.

82. The latter proviso was necessary for the administration of the poors fund which would remain a function of the *quoad omnia* parish.

parish.⁸³

Changes were made in the original parish boundaries as new churches were acquired. These were St. Peter's in 1836, Hilltown, Wallacetown and Willison (Original Secession) in 1840 and Dudhope in 1841. Throughout these changes the civil parish of Dundee remained intact and all the elders formed the General Kirk Session which met fortnightly. Thus, throughout this study, Dundee has been assumed to be one parish with one kirk session as it always was except for the period 1834-44. An added reason for this is that the minute books of the *quoad sacra* parishes has been lost while those of the General Session are still extant.

Despite the confidence shown by the members of Presbytery at the above meeting they appear to have had some doubts as to the legality of their actions if these were ever questioned before the civil courts. Steps were taken to ensure that no possible legal quibble could be raised in matters involving the heritors of the various parishes. Whenever Presbytery met to consider the need for repairs to parish churches and manses, ministers of *quoad sacra* churches did not attend. It was essential that the constitution of the court could not be questioned as it was sometimes necessary to threaten heritors with legal action in the civil courts before they would agree to carry out the necessary building work. An example of this occurred at Lundie and Fowlis Easter in 1838 when Presbytery met to inspect the two churches and Lundie manse before ordering the heritors to make the very badly needed repairs to all three buildings.⁸⁴

Charles Macalister (Gaelic Chapel, Dundee) was Moderator of Presbytery when William Alexander was admitted as the new schoolmaster of Monikie Parochial School in May, 1838. At their next meeting doubts were expressed about the advisability of having a *quoad sacra* minister as moderator on such an occasion. It was decided not to have a *quoad sacra* minister in the chair when schoolmasters were admitted in the future.⁸⁵

83. Dundee Presbytery minutes 3rd December, 1834.

84. Dundee Presbytery minutes 19th April and 1st August, 1838.

85. Dundee Presbytery minutes 9th May and 13th June, 1838.

Following the Stewarton judgement there was no attempt to remove *quoad sacra* ministers and their elders from the Presbytery roll.

It is interesting that no Moderates attended the Presbytery meeting in April, 1843. There were rumours that they had met in a tavern⁸⁶ but if they did do so the Moderates made no attempt to form a separate presbytery.

At the annual Dundee Parish meeting held in February, 1843 to consider the state of the Poors Fund, one elder (J.Thoms) wanted the collections at *quoad sacra* churches paid into the fund without deductions.⁸⁷ It was pointed out to him that such a demand would not be practical as people would stop giving.⁸⁸ In point of fact both these matters were academic since all the *quoad sacra* ministers in Dundee together with large sections of their congregations joined the Free Church three months later.

PRESBYTERY OF CUPAR

The Presbytery of Cupar virtually ignored the Chapel Act until 1839 when the Original Secession Synod rejoined the Established Church of Scotland.

The erection of the first chapel of ease within the bounds of the Presbytery was by a group headed by Lord Leven; Mr Jameson, Sheriff Substitute of Fife; Reeve of Edenpark and William Pagan, writer in Cupar. They offered to build a church with 800 seats⁸⁹ in the Burgh of Cupar if the services were conducted by the two ministers of the parish i.e., there was to be no expense incurred in providing someone to conduct services. The church door collections would go to the Poors Fund but the pew rents would be used for expenses and the surplus was to be used to repay the money raised to build the church. Presbytery,

86. Fife Sentinel 13th April, 1843.

87. Normally these collections were used to supplement pew rents to provide the money for the minister's stipend and other expenses connected with the congregation

88. Dundee Advertiser 18th February, 1843.

89. They claimed the existing Parish Church was inadequate as the population of Cupar had doubled since the church was built.

with the concurrence of the parish ministers, agreed to this proposal.⁹⁰ General Assembly approved the plan but suggested the Parish of Cupar be divided into two *quoad sacra* parishes. Presbytery agreed to ignore this suggestion and to proceed with the original plan.⁹¹ When the building was opened in 1837 it was named St. Michael of Tarvit.

The erection of a chapel of ease in Cupar together with the accession two years later of the Original Secession church complicated the arrangements of the Established Church in the burgh. Cupar Parish was a collegiate (joint) charge of two ministers. In 1837 the minister of the first charge was Adam Cairns and the minister of the second charge was John Birrell. The agreement with the managers of St. Michael's Chapel of Ease was that Cairns and Birrell not only must continue to provide the full range of ordinances in the parish church but must also provide them free in St. Michael's. In effect this meant the two ministers had to conduct double their usual number of church services without any increase in stipend. Cairns solved his problem by using part of his stipend to employ an assistant to conduct services at St. Michael's for him. The advent of the Original Secession congregation (St. Mary's) in October, 1839 meant there were now three ministers and three places of worship.⁹²

William Elder, minister, and Oliver Melville, elder, of St. Mary's were admitted to the Presbytery roll in October and a district was allotted to the congregation in December, 1839.⁹³ This allocation led to complaints from heritors and others so that Presbytery felt it necessary to issue a declaration:-

"That while the minister of St. Mary's has the general pastoral superintendence of the said district, it is competent for the ministers of the original parish to visit ministerially, or to administer healing ordinances to persons who are Heritors or Tenants having a legal right to sittings in the original parish church or in St. Michael's, as well as to those who from choice or convenience prefer to sit in either of these churches."

Thus any of the three ministers were able to visit and administer

90. Cupar St. Michael of Tarvit managers minutes 23rd June, 1835; Cupar Presbytery minutes 31st March, 1835.

91. Cupar Presbytery minutes 16th June, 1835.

92. One (the parish church) was *quoad omnia*, one (St. Mary's) was *quoad sacra* and one (St. Michael's) a chapel of ease.

93. Cupar Presbytery minutes 1st October and 17th December, 1839.

ordinances in any part of the parish and parishioners could attend whichever of the three churches they wished.⁹⁴ The allocation of a district in such circumstances had little significance. However, in effect the declaration was a significant departure from the territorial parish ideal which had previously played such a basic part in the philosophy of the Established Church of Scotland.

During 1841 Adam Cairns (1st charge Cupar) fell ill and felt unable to continue to pay an assistant to fulfil his obligations in St. Michael's. A Presbytery committee, charged with examining the situation in Cupar and convened by Alexander Kidd (Moonzie)⁹⁵, found that Cairns was "ecclesiastically and morally bound" to supply ordinances in St. Michael's. Presumably this finding was based on the fact that Cairns, as parish minister, was bound to supply ordinances within the parish, although whether, in fact, he could be forced to do so outwith the parish church is not clear. He was, however, morally bound to do so under his agreement with the managers of St. Michael's in 1835. The committee also recommended that Cupar parish, as a whole, should support an assistant to Cairns and that the parish should be uncollegiated.

The latter was a strange recommendation. It meant the committee was suggesting that, in future, there should be only one minister for the parish but both ministers had life tenure of their charges. The way out of the impasse would have been to divide the parish into two *quoad omnia* parishes. To do this would have required the consent of both ministers and the heritors before a case could be taken to the Court of Teinds. The reason for the recommendation to uncollegiate the parish is unclear. It is probable that Kidd hoped such a move would reduce the influence of Cairns and enhance that of John Birrell (2nd charge, Cupar) who was a Moderate. If this was indeed so, the move failed as the charge remained collegiate.

94. Cupar Presbytery minutes 11th February, 1840. This declaration was in marked contrast to the action taken, in similar circumstances, by the Presbytery of St. Andrews (see p.75-77 above).

95. Kidd was as ardent a supporter of the Moderate viewpoint as Cairns was of non-intrusion. Thus they were very unfriendly towards each other

Presbytery, after a complaint from Cairns that he had not been invited to the committee meeting, remitted the matter back to the committee with instructions to hear both sides of the case. Following a further report Presbytery decided to ask General Assembly for permission to arrange that the minister of the first charge would preach solely in the parish church and the minister of the second charge should officiate solely in St. Michael's. Each minister would be allotted his own district without interfering with the secular interests of any party.⁹⁶ This deliverance by Presbytery effectively set up two more *quoad sacra* parishes in Cupar.⁹⁷ The move can hardly have been what Alexander Kidd, who was violently opposed to such parishes, had had in mind when he recommended the parish be uncollegiated.

Following the Stewarton case an attempt was made by John Anderson (Newburgh) and Alexander Kidd (Moonzie) to remove the names of the minister and elder of St. Mary's *quoad sacra* church in Cupar from the Presbytery roll. This failed by twelve votes to eighteen. However these two ministers seized the opportunity to achieve their objective at the next meeting of Presbytery when five of the non-intrusionist ministers were absent and elders' commissions were being renewed. The ensuing fierce argument culminated in the withdrawal of Andrew Melville (Logie), John Macfarlane (Collessie) and Adam Cairns (Cupar, 1st charge) ministers and David Maitland-Magill-Crichton (Collessie), Duncan McIntyre (Cupar Old), William Brodie (Dairsie), Arthur Kinnear (Logie) and Oliver Melville (Cupar St. Mary's) elders to set up the Cupar Free Presbytery.⁹⁸

Thus the Free Church of Scotland was set up in Cupar (as in St. Andrews) more than three weeks before it was officially inaugurated in Edinburgh on 18th May, 1843. These presbyteries were not unique in this, as a similar schism occurred in at least thirteen other presbyteries. These were Aberdeen, Chirnside, Dumbarton, Dumfries, Dunbar, Fordyce, Glasgow, Kincardine O'Neil, Kirkcaldy, Kirkwall,

96. Cupar Presbytery minutes 26th October and 28th December, 1841. 5th April, 1842.

97. The first had been allocated to St. Mary's in 1839.

98. Cupar Presbytery minutes 28th March and 25th April, 1843; Cupar Free Presbytery minutes 25th April, 1843;

Lerwick, Strathbogie and Irvine.⁹⁹ All these schisms were caused by actions of the Moderates in each presbytery on the implementation of the Stewarton judgement and resulted in double sets of commissioners being sent to Assembly. It is not clear why Moderates should have thought it necessary to follow this course of action. Disputed commissions could, however, be important as holders of such commissions could not take their seats until Assembly had resolved the dispute. Thus if enough commissions of non-intrusionists could be disputed in this way a majority of Moderates could be created, at least initially, in Assembly.

In the event the attempt to save the position of William Elder (Cupar, St. Mary's) on Cupar Presbytery proved worthless. At the Disruption, Elder, despite having signed the second series of Convention resolutions¹⁰⁰ refused to leave the Established Church. By this refusal he obtained a presentation by the Crown to the Parish of Tealing in the Presbytery of Dundee and was inducted there in September, 1843.¹⁰¹

THE SYNOD OF FIFE

It was not only in presbyteries that controversy over the Chapel Act occurred. At its last meeting before the Disruption the Synod of Fife rejected, by thirty votes to twenty-one, an attempt to exclude the *quoad sacra* ministers and their elders.¹⁰² In a report of this meeting the 'Witness' newspaper disclosed the extent to which supporters of the Moderate party were capable of deluding themselves. During the debate Anstruther Taylor (Carnbee) is reported as saying:-

"After long deliberation he was very nearly convinced that the Court of Session was in a certain sense to be considered an Ecclesiastical Court".¹⁰³

99. The Scotsman 24th May, 1843; Fifeshire Journal 6th April, 1843.

100. Signatories of these bound themselves to leave the Established Church if the Government did not agree to their demands for the non-intrusion of unpopular ministers and for the spiritual independence of the Church.

101. Dundee Presbytery minutes 27th September, 1843. By this move Elder's stipend increased from £100 to £172 (see Appendix A). This comment is not intended to imply that the prospect of an increase in stipend was necessarily the sole reason for Elder's adherence to the Established Church.

102. Fife Synod minutes 11th April, 1843.

103. Witness 15th April, 1843.

Apparently his reason for this rather unusual view was that originally [in medieval times] the court was composed of laymen and clergy and exercised an ecclesiastic as well as a civil role and therefore was entitled to be regarded as an ecclesiastical judiciary. Synod refused to entertain such an idea.

SYNOD OF ANGUS AND MEARNES

The Synod of Angus and Mearns, which included the Presbytery of Dundee, was even more active in the cause of chapels of ease than that of Fife. In 1834 it recorded the opinion that the number of chapels was increasing rapidly and would continue to do so. It also believed that to be really effective chapel ministers required their own kirk sessions and seats on church courts. As a result it overtured General Assembly to take steps to "ensure this happens" and to attempt to secure endowments for chapels of ease.¹⁰⁴

At their next meeting Synod petitioned King William IV and both Houses of Parliament for endowments for chapels of ease. They also rejected the appeal by David Cannan (Mains and Strathmartine) against the division of Dundee into *quoad sacra* parishes.¹⁰⁵

Seven years later, in 1841, Synod carried, not without opposition a motion that:-

"Synod regarded the dissent entered by Mr. Cook¹⁰⁶ against the admission of the name of Mr. [Patrick] Miller, Minister of Wallacetown Church on the Roll of Synod, as contemptuous to the authority of the Assembly and as embodying a principle subversive of the Constitution and adverse to the interests of the Church".

Cook and ten other ministers dissented from this deliverance.¹⁰⁷

Angus and Mearns were not the only synod to deal firmly with matters of this sort. In 1842 the Synod of Perth and Stirling heard a protest from Dr. Bryce, that the Presbytery of Perth was not competent to adjudicate in any case affecting his civil or ecclesiastical rights which were vitiated by the presence of *quoad sacra* ministers as

104. Synod of Angus and Mearns minutes 22nd April, 1834.

105. Synod of Angus and Mearns minutes 28th October, 1834. see p.80 above

106. John Cook, minister of Laurencekirk and nephew of Prof. George Cook, St. Andrews.

107. Synod of Angus and Mearns minutes 27th April, 1841.

constituent members of the presbytery. Synod not only rejected Bryce's complaint but also found him guilty of:-

"...contempt towards the Presbytery of Perth and the General Assembly of the Church of Scotland, and [of] a schismatical division of that Church, as at present constituted, as his protest struck at the authority, not only of the Presbytery, but of the Synod, and of the General Assembly itself."¹⁰⁸

SUMMARY

The social divisions in urban settlements resulting from the Industrial Revolution have been commented upon by many writers but the increasing gap between the interests of urban and rural clergy has been rarely discussed.¹⁰⁹ One aspect of the problem was that with increased numbers of urban commissioners the landed elite were in danger of losing the control of General Assembly which they had exercised for centuries. In 1820 over 80% of elders commissioned to Assembly were either landowners or lawyers, many of whom were closely connected to the landed class. By 1834 the proportion had fallen to 70% and in 1842 this group represented only 49% of the elders in Assembly.¹¹⁰

The landed elite had made attempts to prevent the take-over of Assembly by urban interests. One of these had resulted in excluding chapel ministers from any share in the government of the Church.¹¹¹ Another often used tactic was to challenge the commission of an "unsuitable" elder. Nevertheless, the new urban elite were not content that this state of affairs should continue. The landed classes, in general, adhered to the *ancien regime* ideals of patronage, deference and power from land. In addition they saw the Church as an arm of civil government. The new urban middle classes wanted their economic and social importance recognised and had an aggressive commitment to what they saw as the needs of the Church.

Thus the Chapel Act controversy resembled that surrounding the

108. Fife Journal 5th May, 1842.

109. For a recent discussion of this topic see:- Callum Brown, *The social history of religion in Scotland since 1730*, (London, Methuen, 1987) pp.135-6.

110. Iain F. Maciver, *The Evangelical Party and the eldership in General Assemblies 1820-43*, *RSCHS*, 1978 vol.20 part 1 pp.1-13.

111. Chapel ministers were prevented, by acts of General Assembly in 1796 and 1798 from sitting on church courts either as elders or as ministers.

Veto Act in that it was a conflict between the "Establishment" resisting change and reformers who were determined to bring about changes in Church administration vital to the continued existence of the Church of Scotland as a moral force in Scottish life. This was one facet of the general desire for the reform of all aspects of society.

The controversy was not centred on whether the Church had the right to create *quoad sacra* parishes but on whether ministers and elders of such parishes could sit on Church courts. Thus the crux of the problem was whether General Assembly could decide who could or could not be a member of a Church court.

There was nothing in the legislation passed by the Scottish Parliament relating to the Church of Scotland which precluded ministers of non-parish churches from sitting on Church courts. It is equally true that, with the exception of the Acts of 1567 and 1592¹¹², none of these acts expressly permitted such ministers to be members of these courts. There can be little doubt that this was due to the legislators of the period being unable to foresee a time would arrive when the populations of many parishes had grown so large that one place of worship and one minister with one kirk session would be unable to provide the necessary spiritual guidance for his parishioners.

At the end of the eighteenth century Moderate leaders seem to have believed that ministers of charges other than *quoad omnia* parishes, in fact, could be legally entitled to seats on Church courts under legislation passed by the Scottish parliament. Thus the only way chapel ministers could be excluded from Church courts was by church legislation hence the explicit ban on *quoad sacra* ministers in the Assembly Act anent Chapels of Ease in 1798. If one Assembly could validly debar certain ministers from church courts then there seems no reason why another Assembly could not equally validly lift the ban.

It is difficult to perceive, as the Moderate party clearly did, any essential ecclesiastical difference between a minister of a church built by a government grant and a minister of one built by voluntary subscription. It is true that the latter was not subject to the 1712 Patronage Act but this parliamentary concession was not granted until

112. see pp.66-67 above

after the Chapel Act had been enacted and controversy had begun.

Certainly the 1833 Assembly Act anent Parliamentary Churches which gave ministers of these churches seats on church courts was seen as being within the powers of the General Assembly. In February, 1836 in a judgement in a suit to have ministers of Parliamentary Churches included in the Widows' Fund scheme, Lord President Hope¹¹³ declared that the 1833 Assembly Act was:-

"...a matter within the power of the Assembly. They had the power to pass such an act, and they exercised that power; and I see no conflict between the provisions of this act and those of the statute."¹¹⁴

After this declaration there should have been little doubt as to the legality of the Chapel Act. Nevertheless the Moderates still held that General Assembly had no powers to enact it. This attitude was clearly exemplified by the Presbytery of St. Andrews who had not demurred at the 1833 Act. Dundee Presbytery, stout supporters of the independence of General Assembly to manage the affairs of the Church, had some doubts about the powers of Assembly in the matter. Cupar Presbytery, in effect, tended to ignore the controversy altogether by obeying Assembly decisions when they must but making it clear they would not make an issue of any technical breaches of these decisions.

The unresolved questions in the affair are why the Court of Session decided against the Church in the Stewarton case which declared it illegal for *quoad sacra* ministers to sit in Church courts, and what constituted the legal basis for their decision. The civil judges, however, had given clear indications, long before the Stewarton case was heard, of what their decision would be when any such case was brought to court. One earlier case which allowed them to express their opinions was that of Archibald Livingstone, minister of Cambusnethan in the Presbytery of Hamilton. Livingstone had been found guilty by his presbytery of several charges of theft and was cited to appear before General Assembly in May, 1841. He asked the Court of Session to interdict Assembly from hearing his case on the grounds that a number of

113. Father of John Hope, Dean of the Faculty of Advocates and *eminence grise* of the Tory party in Scotland.

114. Pres. Rev. vol.8 p.152;
Buchanan *Ten Years Conflict* 1853 vol.1 p.287.

chapel ministers had been members of presbytery at his initial trial. The civil court refused the interdict because the question of *quoad sacra* ministers could not be settled in such an incidental manner. In giving their judgements four of the judges¹¹⁵ clearly stated they thought the Church had no power to pass the Chapel Act.¹¹⁶

The 1707 Scottish Parliament Act anent the Plantation of Kirks had given the Court of Session power to alter the existing arrangement of *quoad omnia* parishes under certain conditions. As with earlier legislation there was no reference in the act to *quoad sacra* parishes. It is, however, difficult to see why the creation of a *quoad sacra* parish, which did not interfere in any way with the civil rights and responsibilities of a *quoad omnia* minister and his kirk session, should have been considered illegal.

The majority decision of the Court of Session in the Stewarton case was almost the last of the Erastian rulings of the Court before the Disruption of the Church of Scotland. By this time it was apparent that the majority of the judges in the Court of Session were more concerned with attempts to control the Church than with the strict constitutional interpretation of statutes relating to ecclesiastical matters. Thus it is possible that the eight judges who ruled against *quoad sacra* parishes saw the case as another opportunity to browbeat the Church. Far from bringing the whole Church to realise the need to acquiesce in the rulings of the Court of Session the Stewarton decision widened the gap between the factions of the Church and made even more certain, if that had been possible, the threatened secession.

115. Lord President Hope, Lords McKenzie, Gillies and Fullerton.

116. Pres. Rev. vol.14 pp.575-6.

CHAPTER 4

THE DISRUPTION OF THE CHURCH OF SCOTLAND 1843

As early as the beginning of 1840 it was becoming apparent, from the judgements of the civil Court of Session¹, that the Court would continue to insist that the Church of Scotland must be subjected to the directions of the State as represented by the civil judges. Thus it was plain that no solution to the problems besetting the Church would be found in the courts of law. Attempts were then made to find a legislative solution but, for a variety of reasons all failed, not least because of governmental refusal to give the matter the serious consideration it needed.

The first attempt was by Lord Aberdeen² who introduced a Bill in the House of Lords on 5th May, 1840. This sought to give church members the right to object to presentees provided reasons for their objections were given. The matter would then be reviewed by the presbytery concerned.³ General Assembly objected to this bill on the grounds that it did not allow church courts to reject all unpopular presentees nor did it prevent appeals from deliverances of church courts being made to the civil courts.⁴ As a result of this decision, coupled with opposition by the Government, Aberdeen withdrew his bill.

In reporting this event the *Fife Journal* noted that Lord Haddington had previously warned the majority of the General Assembly they would "never obtain from the Government or any other quarter a bill so favourable to the interests of the Church of Scotland". The editor expected most people would believe this statement. He went on to say, "if the Church of Scotland expects modification or abolition of patronage from an Administration which favours popery and voluntarism they are mistaken".⁵

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1. In the Auchterarder case on 8th March, 1838 supported by the House of Lords on 2nd May, 1839; the Marnoch case in June, 1839 and the first of the Strathbogie cases on 20th December, 1839.
 2. George Hamilton Gordon, 4th Earl of Aberdeen. Later Prime Minister 1852-5.
 3. Scotsman 9th May, 1840; Hansard vol.53 cols.1209-1236 5th May, 1840; vol.54 cols.1205-1243 16th June, 1840.
 4. AGA 1840, abridgement pp. 40-42 27th May, 1840.
 5. Fife Journal 16th July, 1840.

A year later the Duke of Argyll introduced a new bill which in effect legalised the Veto Act. This bill was welcomed by the Non-intrusionists and Cupar Presbytery expressed their 'cordial approbation' of it. Alexander Kidd (Moonzie), Henry Cook (Kilmany) and John Birrell (2nd charge, Cupar) dissented from this deliverance. The bill, however, fell, due to the dissolution of Parliament shortly afterwards and bitter opposition from the Moderates.⁶

Throughout the latter part of 1841 Sir George Sinclair, an Edinburgh elder and friend of politicians of all parties, tried to revive Aberdeen's bill with an amended clause giving power to presbyteries in disputed cases. This was acceptable to the Scottish non-intrusionists until they realised that the new clause gave the church courts no more power than the original bill. They thereupon refused to agree to its provisions.⁷

Finally, Campbell of Monzie, M.P., for Argyllshire, tried to revive the Duke of Argyll's bill in April, 1842. On 4th May, a few hours before the second reading of his bill, Campbell was persuaded, on an implied promise, by Sir James Graham, the Home Secretary, of an effective Government Act, to postpone this debate for six weeks. By then the General Assembly's 'Claim of Right' and anti-patronage motion enabled the Government to oppose openly Campbell's bill without having to move one of their own.⁸

A not inconsiderable part in these failures was played by the attitudes of individual prime ministers. Despite many Church deputations and countless petitions, overwhelmingly in favour of non-intrusion, governments remained adamant that no legislative solution was possible. Both Lord Melbourne and Sir Robert Peel⁹ agreed on

6. Hansard vol.54 cols.1478-1489 6th May, 1841; AGA 1841 - abridgement pp.41-42 26th May, 1841 (assembly voted 230 - 105 in favour of the bill); Cupar Presbytery minutes 8th June, 1841.

7. Sir George Sinclair, Bart., (ed), *Selection from the correspondence carried on during certain recent negotiations for the adjustment of the Scottish Church question*, (Edinburgh, Bell and Bradfute, 1842)

8. Hansard vol.62 cols.496-7 14th April, 1842, vol.63 cols.48-131 4th May, 1842 and cols.1584-5 15th June, 1842; Buchanan, *Ten years conflict* 1852 vol.2 pp.340-3.

9. Respectively Whig prime minister 1835-41 and Tory prime minister 1841-6

this point and, partly because of the Voluntary Churches' campaign against all established churches, were motivated by a desire that no action on their part would cost votes in a general election. Melbourne also believed, because of the impassioned speeches of the more enthusiastic non-intrusionists, that the Church really aimed to establish demagoguery and theocracy in Scotland. These speeches also led to the alienation of the intellectual Whigs.¹⁰ One advantage was gained by the Church when Melbourne agreed to operate Crown patronage as if the Veto Act had legal force but he refused to extend it further.¹¹ This practice was followed in most cases after the change of government in 1841.

Trevor McGovern has an interesting explanation for the inability of English politicians to grasp the significance of the Scottish Church question. He argues that, among English evangelicals, a belief existed that government by a ruling class was divinely inspired and that to show dissatisfaction with, or a desire to change, the system was at least wrong if not actually a sin. This idea became a widely held Tory political theory during the 1790s and early 1800s. Political leaders during the period immediately preceding the Disruption, for example Sir James Graham (1792-1861) and Sir Robert Peel (1788-1850), would without doubt have absorbed this concept during their formative years.¹² If McGovern is right then this would go some way towards explaining Graham's and Peel's refusal to countenance change in the Church of Scotland and their abhorrence of any extension of popular elections.¹³

Michael Fry¹⁴ has no doubts that blame for the Disruption cannot

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10. Maciver *Cockburn and the church* (1979) p.72.
 11. Buchanan *Ten years conflict* (1852) vol.1 p.478. There were 976 patronages in Scotland of which the Crown held 288 (30%) and had a share of another 34. *Fifeshire Journal* 15th June, 1843.
 12. Trevor McGovern, *Conservative ideology in Britain in the 1790s, History*, (1988) vol.73 no.238 pp.238-77.
 13. eg., Letter Peel to Graham 29th December, 1839; letter Graham to Colquhoun 25th December, 1839. in Charles Stuart Parker, *Life and letters of Sir James Graham* (1907, London, John Murray) pp.376-8.
 14. Founder of the David Hume Institute in 1985, an economic journalist and Conservative candidate for East Lothian in the 1983 Parliamentary elections.

be attached to the Tory government of the day. He claims that the Scots M.P.s were generally inexperienced in the London political arena and unable to impress their English colleagues with the seriousness of the situation in the Established Church of Scotland.¹⁵ While there is some validity in Fry's claims they are not wholly true. Some Scots members, for instance, Fox Maule and Sir Andrew Hay, both of whom were Non-intrusionists and, as accomplished politicians, were well regarded by their fellow members.

It seems likely that the stance on the Scottish Church issue adopted by senior English politicians was the result of three factors. Firstly individual prejudices such as those suggested by McGovern. Secondly the covert anti-Popular Party activities of John Hope who was able to exert considerable influence over Lord Aberdeen and, through him, over Peel and Graham. Finally the speeches of the more extreme and enthusiastic non-intrusionists tended to alarm the Episcopalian traditionalists in the English establishment.

THE GENERAL ASSEMBLY OF 1842

By the time the General Assembly met in May, 1842 the affairs of the Church had reached an impasse. A solution could only have been found through compromise. Each of the parties involved refused to relax their demands and expected total surrender by their opponents. As the year progressed it became clearer that inevitably there must be a rejection of the Establishment by a sizeable proportion of the Church. The question that began to exercise people's minds was how large this proportion would be.

In a last ditch attempt to persuade the government to act to settle the dispute Assembly adopted the 'Claim of Rights'.¹⁶ This long document set out the statutes which gave the Church its powers and protection. It then claimed the right to be protected by the State from the "unconstitutional and illegal encroachments by the said Court

15. Michael Fry, *Patronage and principle; a political history of modern Scotland*, (Aberdeen, Aberdeen University Press, 1987).

16. Act XIX Claim, Declaration and Protest anent the encroachments of the Court of Session. AGA 1842 pp.35-48 30th May, 1842; abridgement pp.62-3, 76.

of Session".

The 'Claim' was adopted by 241 votes to 111, a majority of 130. As with the Veto and Chapel Acts the votes recorded by elders proved to be important. 161 elders attended this Assembly of whom 98 (61%) voted for the 'Claim' and 46 (29%) voted against its adoption. A further 17 (11%) abstained. There was a total of fourteen elders commissioned from the three study presbyteries. Only four of them (all from the St. Andrews Presbytery area) voted against the 'Claim' and one abstained.¹⁷

Earlier Assembly had decided to petition Parliament for the abolition of lay patronage. The Assembly declared:-

"That Patronage is a grievance, has been attended with much injury to the cause of true religion in this Church and Kingdom, is the main cause of the difficulties in which the Church is at present involved, and that it ought to be abolished".¹⁸

The commissioners were less certain of the usefulness of this petition than they were about the 'Claim'. 216 supported the petition and 147 voted against its transmission. The difference in opinion was reflected in the elders' vote as only 89 (55%) of them voted for the petition, 61 (38%) voted against and 11 (7%) abstained. There was no change in the way the elders from the study area voted.¹⁹

These documents may have given the non-intrusionist leaders great satisfaction to prepare but, unfortunately for them, they did more harm than good. The 'Claim' could be seen as a challenge to the State, and, indeed, this was how Peel saw it, especially as it was coupled with a demand for the end of patronage. He and Graham²⁰ delayed replying to the 'Claim' until January, 1843 when the latter stated that patronage must be exercised within the existing law.²¹

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17. Robert B. Dalgleish of Dura, Col. Wm. Playfair (both Presbytery elders), Prof. Andrew Alexander (University) and Walter Malcolm, an Edinburgh lawyer, (Anstruther Wester) voted against. John Wood, banker and town clerk (Pittenweem) abstained.
 18. Act XII Resolution as to Patronage. AGA 1842 p.25 - abridgement pp.61-2. 23rd May, 1842.
 19. All voting figures obtained from Pres. Rev. vol. XV pp.301-309.
 20. As Home Secretary Sir James Graham was responsible for Scottish affairs. It was to be over forty years before a cabinet minister with specific responsibility for Scotland was appointed.
 21. Norman Gash, *Sir Robert Peel*, (London, Longman, 1972) p.379.

Many Scots saw the failure of the Government to react promptly and positively to the 'Claim' as an indication that it intended to take no action to relieve the situation. Obviously a schism in the Church would not be long delayed.

THE MIDDLE PARTY

Matthew Leishman, minister of Govan, had seen the probability of a schism much earlier and on 9th March, 1842 he and a group of friends decided to present a declaration, advocating the acceptance of Sinclair's amendment to Lord Aberdeen's bill, to the next meeting of the Glasgow and Ayr Synod. In the event this was signed by forty West of Scotland ministers and soon attracted support from all parts of the country.²² Just how many ministers and elders supported this group is difficult to ascertain since the only publication dealing with it is the biography of Matthew Leishman cited here. It seems unlikely there were more than sixty men who actually subscribed the declaration. There is no evidence to suggest there were any supporters of this movement within the study area. The group acquired the name 'Middle Party' since they supported non-intrusion but, like the Moderates, did not see the failure of the Government to address the problems raised by that movement as a sufficient cause for a schism in the Church.

Those members of the new party who were commissioned to the 1842 General Assembly opposed the anti-patronage petition but supported the Claim of Rights. This action gave offence to the Government and the Home Secretary wrote to Leishman:-

"concurring in the Declaration of Right and the Principles asserted in that document, are opposed to any settlement of the matters in dispute, which can be regarded by me as admissible".²³

and thus ended any possibility of the party negotiating with the State.

The setting up of the Middle Party was a heavy blow to the Popular Party since it was formed from their supporters. Their defection not only reduced the Popular Party majority in General

22. James Leishman, *Matthew Leishman of Govan and the Middle Party of 1842: a page from Scottish church life and history in the nineteenth century*, (Paisley, Alexander Gardner, 1924) pp.121-5, 130-2, 135, 138-46.

23. Letter Sir James Graham to Matthew Leishman, 2nd November, 1842. Quoted in Leishman, *Matthew Leishman*, (1924) p.151.

Assembly but was wrongly interpreted by the Government as an indication that a secession, if it occurred, would be very small.

THE EDINBURGH CONVOCATION NOVEMBER, 1842

By the summer of 1842 it had become plain that the politicians in London intended to ignore the claims of the Church and Thomas Chalmers, Robert Candlish and other non-intrusionist leaders began to lay plans not only for the forthcoming separation of the Church from the State, which was widely seen as inevitable, but also for a nationwide ministry with congregations, churches and manse supported and maintained entirely without State aid.

Shortly before the General Assembly met in 1842 Robert Candlish²⁴ circularised ministers, known to be strong supporters of Non-intrusion, with a detailed draft scheme for the organisation of the probable new Church. In fact this scheme was adopted *in toto* by the Free Church at the Disruption. The *Fife Herald* published the document in full on 7th April, 1842 when the editor claimed there was no need to comment on it as:-

"...the chance of it operating is very slight...The Non-Intrusionists won't leave the Establishment unless driven out by an act of conformity which no government is likely to pass."

The next step taken by the leading Non-intrusionists, in the implementation of their plans, was to call a convocation of ministers²⁵ who were known to be supporters of the cause. The objectives of this convocation were two-fold; firstly to initiate preparations for leaving the Established Church, and secondly, to impress upon the Government the serious intention of the Convocationists to do this if there was no governmental redress of their grievances.²⁶ Invitations to attend the convocation were signed by 'thirty-two of the most venerable ministers of the Church'²⁷ including Andrew Melville, minister of Logie

24. Minister of Edinburgh, St. George's and prominent in the organisation of the Free Church.

25. Described by the editor of the *Dundee Advertiser* as "a convention of clergy disaffected to the existing laws which bind her [the Church] to the State". 4th November, 1842.

26. Thomas Chalmers, *Memorial submitted to the Right Hon. Sir Robert Peel*, (Edinburgh, John Johnstone, n.d.)

27. Buchanan, *Ten years conflict*, 1852. vol.2 p.386.

in the Presbytery of Cupar.²⁸ 465 ministers from all over the country, including the Highlands and Islands, attended at least some of the meetings which were held in Edinburgh between 17th and 24th November, 1842.

On the day the Convocation opened the *Fife Journal* carried a long editorial (its only one) on the subject. The gist of this was that the Convocation would do no good and its members would not leave the Established Church. The editor reiterated the Established Church was part of the State and thus was subject to the State's laws. He continued, "Parliament can annul or enact laws but only the civil courts can interpret them and that interpretation must be obeyed". The Non-intrusionists must also obey the Courts or leave the Establishment.²⁹

There were three major results from this series of meetings. Firstly, a series of resolutions setting out the grievances of the Church was agreed to and signed by 427 ministers. Secondly, a greater sense of unity and determination was achieved in 333 ministers who passed a second series of resolutions to which a further 21 ministers concurred subject to an explanation.³⁰ Among these ministers were nine from the Presbytery of Cupar³¹, five from St. Andrews³² and fifteen from Dundee³³. This series of resolutions showed that the signatories were indeed ready to resign their parochial charges and endowments and to join the Free Church should its formation

28. The Witness 22nd October, 1842.

29. Fife Journal 17th November, 1842.

30. Chalmers, *Memorial* n.d., pp.18, 19-22, 32.

31. James Anderson (Cults), Adam Cairns (1st charge, Cupar), John Duncan (Ceres), Angus McGillivray (Dairsie), John McFarlane (Collessie), Andrew Melville (Logie), John Murray (Dunbog) and George Smeaton (Falkland), William Elder (Cupar, St. Mary's)

32. William Ferrie (Anstruther Easter), Robert Brown (Largo), Charles Nairn (Forgan), William Nicholson (Ferryport) and Ralph Robb (Strathkinness).

33. Robert Aitken (Willison), John Baxter (Hilltown), David Davidson (Broughty Ferry), James Ewing (St. Andrew's), George Lewis (St. David's), R. M. McCheyne (St. Peter's), Alexander McPherson (Dudhope), David Mellis (Tealing), Patrick Miller (Wallacetown), James Miller (Monikie), William Reid (Chapelshade), John Roxburgh (St. John's), William Stewart (Lochee), James Thomson (St. Clement's) and Charles McAlister (Gaelic Chapel).

be forced upon them.³⁴ Thirdly and most importantly, the Convocation approved the establishment of Chalmer's Sustentation Fund for the maintenance of the ministry of the new Church. Money collected in local districts was to be sent to a fund treasurer in Edinburgh. At the end of the year the total sum collected would be shared equally among all the ministers. In this way it was expected that larger, wealthier congregations would subsidise the smaller, poorer ones.

Contemporary local newspapers tended to see the Convocation as a waste of money, time and effort. The *Dundee Advertiser* held that it had:-

"...failed to call forth an army of martyrs for the cause of Non-intrusion...For the sake of many good men - many amiable families hitherto peaceful and happy - we are glad of this. It betokens better things for our venerable establishment than the freaks of her Wild Men gave her friends any good reason to expect."

The *Fife Herald* agreed, asserting the results were "insignificant and ludicrous" and would have "little influence on the minds of its audience." Nevertheless the editor claimed that, although a date for the Secession had not been fixed, it could not be long delayed as "it is inevitable".³⁵

The following February (1843) a central Provisional Committee of ministers and elders was set up to control the raising of money and planning of the necessary new churches.³⁶ One of its first tasks was to arrange for the formation of local associations for this purpose in as many parishes as possible. This work was so successful that 405 local associations were set up by 19th April, 1843. On the eve of the Disruption this number had grown to 687 and was still increasing.³⁷ This response far exceeded the expectations of at least some of the ministers who had attended the Convocation and yet who were certain that

34. William Law Mathieson, *Church and reform in Scotland; a history from 1797 to 1843*, (Glasgow, James Maclehose, 1916) pp.360-1. Buchanan, *Ten years conflict*, 1852, vol.2 pp.396-7.

35. *Dundee Advertiser* 2nd December, 1842. *Fife Herald* 8th December, 1842

36. Mathieson, *Church and reform*, 1916, pp.367-8.

37. Stewart J. Brown, *Thomas Chalmers and the Godly commonwealth*, (Oxford, Oxford University Press, 1982) p.333; Buchanan, *Ten years conflict*, (1852). vol.2 p.465.

that whatever happened they would leave the Established Church. During their return journey to Dundee, Robert McCheyne (St. Peters) and William Stewart (Lochee) discussed what they would do after the Disruption if their congregations did not support the new Church.³⁸ Both planned to emigrate, the former to Australia to work among the convicts there and the latter to Canada. However, despite these initial ministerial doubts, when the first General Assembly of the Free Church convened on 18th May, 1843 the organisation of the new church was well advanced.

The formation of local associations was encouraged by the issue of weekly newsletters entitled 'The Friends of the Church of Scotland Circulars'. The first of these was published on 17th February, 1843. The circulars contained news of the situation in the Church/State dispute. There was also advice on organisation, especially of collections. Circular No.9 (14th April, 1843) among other advice told collectors never to be afraid of entering the houses of the poor, not to accept a plea a household is too poor to contribute at least a penny a week and certainly not to miss a week's collection. Circulars Nos. 5 and 7 contained detailed plans of churches of different sizes. Every issue contained a long list of names of people who had given donations and had promised subscriptions. Some of these were large, such as that of David Maitland-Magill-Crichton, an elder in Collessie, who donated £150 and promised £50 p.a. Others were relatively small. A nine year old orphan girl was said to have promised two shillings from the sale of eggs from her three hens and a man agreed to give two pence a week which he would save by shaving himself.³⁹

Associations were soon set up throughout the study area. There is space to record some of the activities of only a selection of them.

Twenty "students of St. Andrews in the stronghold of Moderatism" had formed a Church Defence Association in October, 1841. They

38. Andrew J. Bonar, *Memoir and remains of the Rev. Robert Murray McCheyne*, (Dundee, William Middleton, 2nd edn., 1852) p.148.

39. Circulars No. 4 10th March, 1843 and No.8 7th April, 1843.

appear to have been very successful. In January, 1843 they began to hold weekly meetings with speakers from outside the burgh which were open to all and were always well attended.⁴⁰

By the middle of April, 1843 the Association formed by the townspeople of St. Andrews was very active. They had a sizeable building fund, to which £50-£60 a week was subscribed, and were in the process of acquiring a site for their new church. They were also taking steps to ensure they had a minister as soon as possible.⁴¹

Prominent in the Cupar Parish Association were Capt. James O. Dalgleish of Woodhead and David Maitland-Magill-Crichton of Rankeilior. Both were elders in Collessie and major shareholders in the chapel of St. Michael of Tarvit in Cupar. At the end of 1842 the outstanding debt on St. Michael's was still £693 of which £290 was due to Dalgleish and his friends.

In March, 1843 Capt. Dalgleish, acting for the Cupar Association, offered £700 as a purchase price for the church. The managers at first refused to sell for less than £1 000. On 21st April, 1843, at the insistence of the parish kirk session, the managers refused to consider the sale of the building despite an increased offer of £850. They claimed it had been erected for the Established Church and therefore it could not be sold. At this point David Maitland-Magill-Crichton threatened to take legal action unless the shares owned by himself and his friends were redeemed within 28 days. At a later meeting the remaining managers reluctantly agreed to provide the money to purchase these shares.⁴² The Cupar Free Church was later built close to St. Michael's.

In many places the type of local association advocated by the Convocation committee had been formed earlier as a Church defence committee. Twelve defence committees had been formed in the Cupar

40. The Witness 26th October, 1841; Fife Sentinel 12th January, 1843

41. Fife Sentinel 20th April and 11th May, 1843.

42. Cupar, St. Michael of Tarvit managers minutes 22nd November, 1842; 14th, 20th and 21st March, 21st April and 12th May, 1843. Fife Sentinel 20th and 27th April, 1843.

Presbytery area before July, 1842.⁴³ Similar figures are not available for the St. Andrews Presbytery area but by mid-April, 1843 thirteen parishes had local associations on behalf of the proposed Free Church.⁴⁴ Dundee Presbytery had formed itself into a Church Defence Committee for the whole of its area in January, 1842.⁴⁵

Moderate supporters attempted weak anti-Popular Party propaganda usually in newspaper reports of local meetings. On 2nd March, 1843 *The Fife Journal* contained a report of a meeting of the St. Andrews Student Church Defence Society held in the Secession Chapel (now Hope Park Church). The report ended:-

"The chapel was well filled, but the audience were not, generally, of the sort that could be of advantage to the cause in a pecuniary way".

The implication of this seems to be that only the 'lower orders' were interested in the breakaway section of the Church and thus 'ladies and gentlemen' would not be concerning themselves with it.

The following month the same newspaper contained this report of a church service in Kettle:-

"The Non-intrusionists, seeing that our parish is to be left to the 'withering influences of Moderatism', have thought proper to intrude their better services upon us. [a series of Sunday evening sermons] with a view to the establishment of a congregation when the threatened secession takes place".

The previous Sunday George Smeaton (Falkland) had preached

"in the new conventicle (a small hut formerly occupied as a wright's shop). [and prayed] for 'unfaithful ministers, worldly-minded, unconverted pastors - those who care not for the flock but for the fleece and who had accepted office for a bit of bread'...The small place of attendance was well filled, but chiefly with those whom a delight in novelty would have equally attracted to listen to Robert Owen or any other vendor of extraordinary commodities."

Here again is an emphasis on the new Church attracting people with whom no 'gentleman' would want to associate. The report ended with comments on the likely size of the secession, if any, in North-east Fife.

43. The Witness 13th July, 1842. They were:- Auchtermuchty, Ceres, Collessie, Cults, Cupar, Dairsie, Dunbog, Falkland, Kettle, Monimail, Newburgh and Strathmiglo.

44. They were:- Anstruther Easter, Anstruther Wester, Balmerino, Carnbee, Crail, Elie, Ferryport-on-Craig, Kilrenny, Kingsbarns, Largo, Leuchars, Logie, St. Andrews.

45. Dundee Presbytery minutes January, 1842.

"The 'friends' have a very small footing, indeed, in this quarter, and, as the best evidence of this, we may mention, that they speak of erecting only two 'booths' for the whole of the Howe of Fife - one betwixt this and Collessie, and another at Balmalcolm, so as to embrace parts of the parishes of Cupar, Cults, Markinch, Falkland and Collessie."⁴⁶

It is difficult to see the purpose of this comment since most readers would be well aware of what preparations for the Disruption were being made in their own locality and thus were very unlikely to be impressed by such comments. The writer of the report may have believed that it might be read by politicians in London who would not have known the true local situation. If they could be convinced the size of any secession would be small then there would be less likelihood of the Government taking any legislative action to relieve the situation.

PRESBYTERIAN DISSENT AND THE DISRUPTION

The extent to which the existence of active well supported presbyterian dissent in a particular parish may have effected the outcome of the Disruption in that parish must be considered. Did such dissent drive the members of the congregation of the parish church to Evangelicalism and support for Non-intrusion or did it confirm them in possible conservatism?

There were Presbyterian dissenters in all the study parishes.⁴⁷ The populations of ten (20%) of the study parishes each numbered less than 460 persons.⁴⁸ Most of the adults in these parishes were employed as agricultural labourers or fishermen. Thus these parishes were too small and too poor to support active Voluntary congregations, especially as only in Creich were there as many as ten dissenting families. In addition most of the population of St. Leonard's parish (554 persons) lived within the burgh of St. Andrews. Thus the 53 dissenters in that parish had about 300 yards to walk to the dissenters church in the burgh. For these reasons the foregoing eleven parishes have been excluded from the following discussion.

46. Fife Journal 14th April, 1843.

47. For a fuller discussion of this see pp.240-41 below.

48. Creich, Dunbog, Flisk, Logie and Moonzie in Cupar Presbytery; Anstruther Wester, Dunino and Newburn in St. Andrews Presbytery; Abernethy and Kinnaird-in-Gowrie in Dundee Presbytery.

Dissenting congregations had been established in 21 (51%) of the remaining 41 parishes in the study areas. It would seem reasonable to assume that dissent was particularly well supported and active in these parishes. Thus if dissent drove Church of Scotland members into supporting the Non-intrusion movement it could be expected that each of these parishes would also maintain a Free Church congregation after the Disruption and, further, that there would be few such congregations in parishes where there was less obvious dissent. Conversely, if active dissent led members of the Established Church to become more conservative in their ecclesiastical outlook it could be expected that none of the 21 parishes under discussion would maintain Free Church congregations.

Neither of these expectations are fully supported by the facts. Sixteen (76%) of the 21 parishes with dissenting congregations and fourteen (70%) of the twenty parishes without such congregations later maintained Free Church congregations. There is little difference between the proportions of these two groups of parishes which later actively supported Free Church congregations. Thus there is no evidence to show whether the presence of active well supported presbyterian dissent in a parish had or had not any marked effect on the decisions made by members of the parish church congregation at the Disruption. The policy of the Free Church on the siting of its places of worship is discussed later in this study.⁴⁹

THE GENERAL ASSEMBLY OF 1843

By the end of February, 1843 it had become clear to every thinking person in Scotland that the formation of the Middle Party and the civil court's removal of *quoad sacra* ministers from the church courts meant that the Evangelical (Popular) Party could no longer command a majority in General Assembly. As the time for Assembly to meet approached excitement grew. Crowds flocked to Edinburgh.

On 18th May, 1843 the commissioners gathered in St. Andrew's church, Edinburgh with crowds of spectators inside and out. David

49. See chap. 6 pp. 171-173 below.

Welsh, the retiring Moderator, took his place. Instead of convening the Assembly with prayer in the usual way, he protested against proceeding further "in consequence of certain proceedings affecting our rights and privileges", laid a copy of his protest on the table, and walked out of the church closely followed by 200 commissioners and many other ministers and elders.⁵⁰ The procession made its way through streets packed with cheering crowds to Tanfield Hall, there to hold the first General Assembly of the Free Church of Scotland. The new Church was joined by about 38% of the ordained ministers of the Established Church⁵¹ and probably by a larger proportion of elders and laity.

Theologically the two Churches differed little although the Free Church tended to adhere more strictly to Calvinistic principles. Both believed firmly that an established church was necessary for the spiritual well being of Scotland. The real difference between them lay in the amount of State control of the spiritual government of the Church they were prepared to allow. The new Church was not prepared to allow any State voice in its internal affairs. The Established Church, denuded of the non-intrusionists, seemed as if it would be prepared to allow the State full control even in what were clearly spiritual matters.

CONCLUSION

There seems little doubt that, given the prejudices and attitudes of English politicians, of judges in the Scottish Court of Session and of many ministers of the Church of Scotland, the Disruption of the Church became inevitable once the civil courts were involved. It must, however, be stressed that the final spark in a potentially explosive situation was fired, not by a minister or a patron, but by a probationer seeking his first charge. The Court of Session could not express an opinion on the legality of the Veto Act until it was asked to do so. The opportunity was provided by John Hope, Dean of Faculty,

50. See, for instance, T. Brown, *Annals*, 1893, pp. 88-96.

51. James McCosh, *The wheat and the chaff*, (Perth, James Dewar, 1843).

who, on behalf of Robert Young, a probationer seeking admission to the charge of Auchterarder, asked the civil court to declare the Veto Act an illegal infringement of a lay patron's civil rights. This a majority of the judges agreed to do.

Perhaps the Church could have avoided much of the later trouble it faced if it had acquiesced with the judgement, ordained Young and then brought him to trial for perjury in the Church courts. This would seem to have been possible because Young would have been forsworn twice when taking his ordination vows. Part 5 of the ordination vows included the words:-

"you shall maintain the unity and peace of this church against error and schism, notwithstanding of whatsoever, trouble and persecution may arise and that you shall follow no divisive courses from the present established doctrine, worship, discipline and government of this church".

Part 7 would seem even more damning. It asked:-

"Have you used any undue methods, either by yourself or others in procuring this call".⁵²

However this is mere speculation and it is doubtful, even if the Church had taken this course of action whether the Disruption would have been averted.

52. Buchanan, *Ten years conflict*, 1852, vol.2 p.203.

CHAPTER 5

THE ESTABLISHED CHURCH OF SCOTLAND 1843 -1850.

The size of the secession from the Established Church of Scotland took the ecclesiastical and political establishments by surprise. The government in England had been expecting some ministers to leave the Church but they had believed, following assurances from John Hope, the Lord Advocate, that the numbers would be small. In April, 1840 Hope had written to Lord Aberdeen that he believed "the Scottish clergy were basically submissive and would give up the veto rather than leave the Church".¹ At the end of 1841 Hope was telling Aberdeen that any disruption would be very small and "there are not six or ten [ministers] who would secede". Even after the Convocation had met in Edinburgh Hope wrote to Aberdeen claiming

"that a recent decline in church attendance in Glasgow, especially in churches of Non-Intrusionist ministers, was 'an alarming proof' to the leaders, of the consequences of secession, and never were they more anxious *not* to go out".²

The sudden loss of 458 (38%) of beneficed clergy, 192 probationers³ and hundreds of elders⁴ presented the Church of Scotland with severe problems. These included (in parishes left without a minister) the supply of the ordinances of religion, the maintenance of church discipline and the execution of civil functions, particularly those relating to the administration of the Poor Law.

The severity of the problems to be faced locally varied enormously from one place to another. In some parishes the minister and all his kirk session remained in the Established Church. There were three examples of this in Cupar Presbytery⁵, five in St. Andrews⁶

1. Hope to Aberdeen 14th April, 1840. cited in G.I.T.Machin, *The disruption and British politics*, *Scot. Hist. Rev.*, 1972. vol.51 p.30
2. G.I.T.Machin, *Politics and the churches in Great Britain 1832 to 1868*, (Oxford, Clarendon Press, 1977) pp.136; 140.
3. McCosh, *The wheat and the chaff*, 1843.
4. 35 (57%) elders within the bounds of Cupar Presbytery joined the Free Church. In St. Andrews Presbytery the figure was 36 (32%) and in Dundee Presbytery 147 (64%). See Chap.8 pp.224-26.
5. Kilmany, Moonzie and Newburgh.
6. Anstruther Wester, Carnbee, Kemback, Kilconquhar, and Kingsbarns

and three in Dundee⁷. At the other extreme Logie in the Presbytery of Cupar, and Ferryport on Craig and Strathkinness (*quoad sacra*) both in St. Andrews Presbytery and Broughty Ferry (*quoad sacra*) in the Presbytery of Dundee lost the parish minister and the entire kirk session to the Free Church. The parishes of Creich, Cupar-St. Mary's (*quoad sacra*), and Strathmiglo all in Cupar Presbytery lost their entire kirk session to the Free Church while their ministers remained loyal to the Established Church. The minister of Monikie joined the Free Church but none of his elders did so.

The other parishes in this study were all affected to a lesser extent. Some ministers joined the Free Church⁸ and all the kirk sessions lost a proportion of their members to the Free Church⁹.

The intention of this chapter is to show how the "Residuary Church"¹⁰ coped with the problems it faced and the reactions of local ministers and elders, within that communion, to the local and national situation.

THE GENERAL ASSEMBLY OF 1843

After the 'Protesters' had left the unconstituted meeting of General Assembly on 18th May, 1843 the remaining commissioners began to function as the General Assembly of the Church of Scotland. The situation they faced was without precedent but their actions were, presumably, constitutional since no-one questioned their legality.

In some presbyteries all the beneficed clergy had seceded. These included the Presbytery of Durness where the only two ministers remaining with the Established Church were those of 'government churches'¹¹ who were excluded from church courts by the decision of the

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7. Kinnaird in Gowrie, Lundie and Fowlis Easter, and Inchtute and Rossie.
 8. For details see Chap. 7 and Appendix A.
 9. For details see Chap. 8 and Appendix C.
 10. This was the derisory if inaccurate term much used by supporters of the Free Church in the months following the Disruption when referring to the Established Church.
 11. Charteris, *James Robertson*, 1863 - p.189

civil Court of Session in the Stewarton case.¹² Several other presbyteries, where secession had already occurred, returned two rival sets of commissioners and the disputes thus raised were not officially resolved for four or five days.¹³ At least fifteen presbyteries were affected in this way. They were St. Andrews¹⁴, Cupar¹⁵, Aberdeen, Chirnside, Dumbarton, Dumfries, Dunbar, Fordyce, Glasgow, Kincoardine, O'Neil, Kirkcaldy, Kirkwall, Strathbogie¹⁶ Lerwick and Irvine¹⁷.

Although the withdrawal of the 'Protesters' signalled the end of the dispute between Church and State this did not mean that controversy within the Church was at an end. The remaining commissioners formed three main groups. The largest of these was that formed by the Moderates who were eager to return to the conditions which existed before 1833. Another group consisted of members of the Middle Party and its adherents.¹⁸ These were all non-intrusionists who felt that the continuance of the Established Church was more important than any disadvantage resulting from mis-use of lay patronage in the appointment of parish ministers. Finally there was a smaller group of Evangelicals (mainly supporters of the Anti-patronage or Non-intrusion movements) who for a variety of personal reasons decided to remain in the Establishment but who did not necessarily abandon their opposition to Moderate policies. Although the Moderates were the largest party in the General Assembly their numbers were insufficient to ensure that their own policies were always adopted. There is no doubt that few

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12. This judgement excluded all ministers from church courts who were not the incumbents of *quoad omnia* parishes.
 13. On 20th May, 1843 Assembly decided to delay consideration of the validity of disputed commissions until after the overtures on the "Veto Act" had been disposed of. This was done on 22nd May, 1843. A.G.A. 1843 - Abridgement pp.42-43.
 14. St. Andrews Presbytery Minutes April, 1843
St. Andrews Free Presbytery Minutes March, 1843.
 15. Cupar Presbytery Minutes April, 1843
Cupar Free Presbytery Minutes April, 1843.
 16. The Scotsman 24th May, 1843.
 17. Fifeshire Journal 30th March and 6th April, 1843.
 18. The members of this party were mainly from the area of the Synod of Glasgow and Ayr with isolated supporters from other parts of the country. There does not appear to have been any members of the Middle Party in the three study presbyteries.

major decisions were reached without compromise and dissent.

Presbyteries were instructed to ignore the Veto Act in future inductions but to keep "specially in view the undoubted privilege of parishioners to state any relevant objections".¹⁹ This instruction was given on a motion by Prof. George Cook who was supported by James Robertson, minister of Ellon. The substance of Robertson's speech was that if the Assembly repealed the Veto Act it would acknowledge the power of the State to regulate the affairs of the Church and thus lay the Established Church open to a charge of Erastianism which would be very difficult to refute. If Cook's motion was adopted it was believed it would have the same effect but without the danger.²⁰ This was a strangely naive viewpoint given the finding of the civil court that by passing the Veto Act in the first place the Church had exceeded its powers. In pronouncing that judgement the civil court, in effect, had regulated the affairs of the Church and any action by General Assembly to implement the judges' decision could have been seen as Erastian.

Following the same reasoning the deposition of the seven Strathbogie ministers²¹ was declared *ab initio* null and void and their rights and privileges restored. This was not done without much opposition and "several" recorded dissents.²²

Also during the first week the Acts of Assembly passed in 1833²³, 1834²⁴ and 1839²⁵ setting up *quoad sacra* parishes and permitting

19. Act IX - Act rescinding the Act on the Calling of Ministers
A.G.A. 1843 p.17.

20. Charteris, *James Robertson*, 1863. pp.176-7.

21. They had been deposed in 1842 because they had inducted John Edwards to the Parish of Marnoch at the behest of the Court of Session and in defiance of the orders of General Assembly.

22. A.G.A. 1843 - abridgement pp.43-4.

23. ACT VI - Declaratory Enactment as to Parliamentary Churches
A.G.A. 1833 p.9

24. Act IX - Declaratory Enactment as to Chapels of Ease
A.G.A. 1834 p.27

25. Act VIII - Act anent re-union with Seceders

their ministers to sit on Church courts were rescinded.²⁶ A rider was added to this deliverance expressing the undoubted usefulness of these chapels and asking the government for measures "to have these unendowed districts created legally and properly into parishes, and endowments granted to their ministers".²⁷

It was not until Wednesday 24th May, 1843 that Assembly turned its attention to the Protest laid on the table the week before by Dr. Walsh. The ministers and elders who had signed it were declared no longer office bearers of the Church as were those who signed the formal Deed of Separation which was delivered during the debate. A committee was appointed to draft a reply to the Protest and in fulfilment of that brief reported to the penultimate session of Assembly on 29th May, 1843. At that point it was decided the matter needed more mature consideration and the committee was instructed to report to the Commission of Assembly in the following August.²⁸ When the Commission met on that occasion to discuss the matter there was no quorum. It was also unable to convene due to a lack of a quorum in November, 1843 and March, 1844. The question of a reply to the 'Protest' was not raised at the General Assembly in 1844²⁹ and thus there was never any official attempt to refute the charges and complaints made in that document.

However inharmonious this General Assembly may have been it did take initial steps to minimise, as far as possible, the effects of the loss of so many of the more influential and active of the Church's office bearers. Presbyteries were ordered to fill vacancies with the utmost despatch and in the meantime to ensure that church services were maintained in all parishes. This could not have been easy in areas like the City of Aberdeen where every minister joined the Free Church and must have imposed onerous, if not impossible, burdens on some of the

26. Act X - Act rescinding the Acts of Assembly relative to ministers of Chapels of Ease, etc. A.G.A. 1843 p.18

27. A.G.A. 1843 - abridgement p.45

28. AGA 1843 - abridgement pp.46-7, 55.

29. A.G.A. 1844 - abridgement

"residuary" ministers especially in the widely scattered parishes of the Gaelic speaking North West.

The local newspapers expressed mixed opinions of the activities of the General Assembly. The *Dundee Courier* (Tory/Moderate) asserted:-

"The conduct [of the General Assembly] throughout has been distinguished by great prudence and moderation and forms a striking contrast to that of the Seceders who have indulged in the most violent and acrimonious language towards their late brethren."³⁰

The *Dundee Advertiser* (Liberal/Voluntary) contented itself with a factual report of the proceedings without editorial comment.

While finding the proceedings of the General Assembly "gratifying" the *Fife Journal* (Tory/Moderate) believed the number of seceding ministers was greater than the Moderates had expected. The editor warned that the Church was now entering upon a period of stern warfare and suggested:-

"If, in contending with her numerous enemies, she rely solely or mainly on the support of the State, or the countenance of the aristocracy, or the favour of worldly politicians, assuredly the day of her destruction ... will come at no distant date. But if ... by zealous self-reformation seek[s] forgiveness of the numerous sins ... of which she has to repent - if she strives unceasingly to maintain that moral and religious superiority ... [she] once ... possessed ... then a new and blessed career of real usefulness to the country ... is opened up to our beloved Church."

This editor seems to have thought the Moderates and Tories were not entirely blameless for the Disruption. In later issues the editor claimed the Assembly's activities were marked by "calmness and charity" and it had rapidly taken steps to strengthen the Church of Scotland. Nevertheless, the Church must take care what claims it made as "this is not an age when the claims of the Church of Scotland are likely to be backed up by the people". The Church would do well to keep its own and must consolidate her position before seeking "to extend her empire."³¹

The *Fife Herald* (Liberal/Voluntary) stressed the Assembly had spent most of its time undoing what the Non-intrusionists had done and remarked:-

30. *Dundee Courier* 6th June, 1843.

31. *Fife Journal* 25th May, 1st and 8th June, 1843.

"The state kirk is once more placed in its natural position of a corporation made, upheld and controlled by State laws, which it has no more right than any other corporation in the land to alter, interpret or disobey".

The editor agreed with his rival on the *Fife Journal* that the Establishment would only keep its position by leading a quiet orderly life - if it did not do so "she will not enjoy either peace or length of days".³²

These papers all agreed, with certain reservations, that the 'rump' General Assembly had behaved sensibly - not so the *Fife Sentinel* (Non-intrusionist). Its editor claimed the "Residuary Assembly" that had been :-

"deserted by the people and despised by all is meeting with a good deal of opposition in the course of its enslaved labours from the party of Evangelicals or Middlemen who have remained with them."³³

This remark exaggerated the negative aspect of the Assembly's proceedings and ignored the undoubted benefits to the Established Church its General Assembly had produced.

THE EFFECTS OF THE DISRUPTION

The most immediate effect of the Disruption was the return of the Moderate party to a position of power and influence in Church courts. Their power was not so unfettered as it had been twenty years earlier, however, and their influence did not prove to be of long duration. Lord Cockburn said that the Moderates formed only an ineffective group of twenty in the General Assembly of 1853.³⁴

Apart from difficulties due to shortages of office bearers and secession by lay members, problems which were common to all presbyteries throughout Scotland, the Disruption had little immediate effect in the Presbytery of Cupar. St. Andrews Presbytery suffered less in these respects than most others. Most of its ministers did, however, make immediate attempts to have Sir David Brewster deprived of his position as Principal of the United College because he

32. *Fife Herald* 1st June, 1843.

33. *Fife Sentinel* 25th May, 1843.

34. Cockburn was a court of session judge who usually had been one of the minority supporting the Church before the Disruption. Quoted in Burleigh, *Church history* (1960) p.381.

had defected to the Free Church.³⁵ In Dundee Presbytery the situation was rather different.

The position in the Burgh of Dundee was impartially summed up by Peter Carmichael³⁶ who, as a member of the Evangelical Union Church, was not directly involved in the controversy between the Church of Scotland and the State. He wrote that after the Disruption:-

"...the cause of the Established Church in the town for a time looked almost hopeless...Of the fourteen ministers remaining [after the death of Robert Murray McCheyne (St.Peters)], ten came out and these included all the young and vigorous men with the exception of David Arnot [St.Pauls], and he was soon translated to Edinburgh. Of the other three, Archibald Macclauchlan [St.Marys] had been fifty years a minister and James Thomson [St.Clements], whose sympathies were with the Free Church party till the end came, had been more than forty. Both were past their best. The one man who had strength for work was Charles Adie [South Church]. And this was not all the Church had to bear up against, for the Town Council cut down the stipends of the Town's ministers to one hundred guineas [£105] and this made it difficult for the congregations to get, or at least to keep, a good minister. On the other hand new churches were built for the ministers who came out and the denomination grew in strength".³⁷

The mention of the reduction of ministers' stipends to one hundred guineas refers to a burgh council decision taken immediately after the Disruption in 1843. At that time the council cut the stipends of the four ministers of burgh churches from £275 p.a., to £105 on the grounds the council was not legally required to pay more.³⁸ A serious dispute between the council and Dundee Presbytery ensued which lasted for twenty years. Eventually the Court of Session decreed that a charter granted by Queen Mary obliged the council to adequate stipends to their ministers. An appeal by the council to the House of Lords failed and on 11th December, 1863 the council agreed the

35. pp.146-55 below.

36. At that time the managing director of Baxter's the famous Dundee textile company.

37. Enid Gauldie (ed), *The Dundee textile industry 1790-1835; from the papers of Peter Carmichael of Arthursstone*, (Edinburgh, Scottish History Society, 1969) pp.98-9. Ms.Gauldie adds a footnote that the Town Council were enthusiastically in favour of the Free Church and refused to release the Hospital Fund from which ministers' stipends were paid.

38. The fact that many councillors were members of dissenting congregations may have been a contributory factor in the decision.

39. James Rollo. *The parish and burgh churches of Dundee*, (Dundee, Durham, Son and Kinnoek, 1897) pp.19-21. J.M.Beatts, *Reminiscences of a Dundonian*, (Dundee, n.p., 1883) pp.97-100.

disputed stipends should fixed at £300 p.a..

Dundee Burgh Council was not only the patron of the five *quoad omnia* charges in the burgh but was also responsible for the stipends of four of the ministers and for the provision and maintenance of the churches. In January, 1841 St. Paul's (South) and St. John's (Cross) churches had been destroyed by fire.⁴⁰ They had not been re-built because the Council lacked money and were reluctant to raise the rates for such a purpose since many rate payers were dissenters.⁴¹ The Council seized on the fact that at least half of the members of the Established Church in the burgh had seceded to the Free Church and attempted to close one burgh church on the reasonable ground that it was no longer needed.⁴² Dundee Presbytery opposed this and a dispute ensued which lasted for two years before being resolved in favour of the Church.⁴³

The editor of the *Dundee Advertiser* newspaper, in expressing his personal view of the effects of the Disruption, achieved a very fair if somewhat poetic assessment of the situation.

"The Church of Scotland has patiently endured the bereavement of some hundreds of her office bearers, and she quietly tends the flocks that abide by her pastures; while the seceding clergymen are labouring, with unbounded assiduity, in halls and chapels, in tents and by the wayside.

The earnestness, the fierceness, the venom with which they thrust forward the points in dispute, have become tame and mannerly in the many anxieties which must now and for some time to come occupy their attention.

Both parties are called on to exercise themselves in new avocations, the one in procuring preachers for churches and the other in providing churches for preachers. The one party fears he will feel his congregation grow scanty beneath his desk, and the other is no less terrified by a threatened scarcity of cash. They at one time had nothing to do but argue, dispute, attack and defend, but now they must go forth each on his own new message.

It is well that the heat and animosity of the argument has thus lessened and quietened down, and that our divines are now engaged in more congenial occupations".⁴⁴

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40. These together with St. Mary's and the Steeple Church were all parts of the one building in the burgh centre but each had its own minister.
41. There were 23 dissenting congregations representing 16 different denominations within the burgh.
Dawson, *Abridged Stat. Hist.*, (Edinburgh, 1855)
42. Dundee Burgh Council Minutes 1843
43. At that time a similar dispute took place in Paisley.
Fifehire Journal 20th July, 1843.
44. Dundee Advertiser 14th July, 1843

GOVERNMENT REACTION

When news of the Disruption reached London the English politicians were "startled"⁴⁵ and were unable, at first, fully to grasp the gravity of the situation facing the Established Church in Scotland. Sir Andrew Leith Hay⁴⁶ asked Sir James Graham, the Home Secretary, if he had any information on the extent of the secession from the Church of Scotland and whether the Government intended to legislate for a settlement of the Church question. Graham replied:-

"...I cannot collect [i.e., understand] from the Protest a declaration of absolute secession from the Church; I collect from it only a secession from the General Assembly..."

and refused to comment on future legislation.⁴⁷ Four days later, however, Lord Aberdeen, another Government minister, told the House of Lords he would be introducing a bill to regulate the settlement and admission of ministers in the Established Church of Scotland.⁴⁸

The Scottish Benefices Act

In essence this act was the same as the bill the Earl of Aberdeen had promoted in 1840 and which had been opposed by the Church. The act provided that any member of a congregation could object to a presentee on the grounds of lack of ministerial gifts or qualities either in general or in particular reference to the parish to which he was presented.⁴⁹ Presbytery had to receive these objections in writing and include them in its minutes, it then had to judge the validity of the objections but its deliverance was to be subject to appeal by either side to higher Church courts. An important

45. Reid, *Kirk and Nation*, 1960, p.138

46. M.P. for Elgin Burghs

47. Hansard 3rd series vol.69 cols.687-8 - 22nd May, 1843

48. Hansard 3rd series vol.69 col.922 - 26th May, 1843

49. The Dundee Advertiser was the sole local newspaper to comment specifically on this section of the bill. It feared country parishioners would find difficulty, due to lack of "scholarship", in presenting reasons for their objections. The editor would have preferred the act to have included "an element of popular opinion". Dundee Advertiser 28th July, 1843.

difference from the earlier bill was that the new act explicitly precluded any challenge in the civil courts to the decisions of the Church courts. Clause V of the act stated that any:-

"Appeal shall lie exclusively to the superior Judicatories of the Church according to the Forms and Government of the Church of Scotland as by Law established".

The final clause of the act also precluded any challenge in the civil courts to the deliverances of Church courts made under the Veto Act which had not been "instigated by Action raised in a Court of Law before the First Day of May last". The act received the royal assent on 17th August, 1843, less than three months after it was first introduced.⁵⁰ Its passage, nevertheless, had been subjected to stiff opposition both in and outside Parliament.

Lord Brougham had argued in the House of Lords that to pass the bill had impugned the judgement he had delivered in the first Auchterarder case. Lord Cottenham⁵¹ had similarly complained that Aberdeen's bill would weaken the respect of the Scottish people for the judgements of the Lords and that nothing should be allowed to damage the authority of the House in legal judgements.⁵²

The editor of the *Fife Journal* discussed this incident on 13th March, 1843. Having declared the law lords' attitude to be absurd he nevertheless gave them some support by declaring:-

"...it must not be supposed that we do not see the force of the objections which are urged against the measure, as giving a vague and ill defined power to the clergy in the settlement of ministers which they ought not to possess."

One interpretation of Brougham's and Cottenham's speeches is that they were in fact claiming that once the House of Lords had given a legal judgement no government had a right to promote legislation which would prevent that judgement being used as a precedent in future. It is also possible that the two judges were trying to "save their faces" after seeming to have allowed prejudice to influence their judgement.

50. An act to remove doubts respecting the admission of ministers to benefices in that part of the United Kingdom called Scotland 6 & 7 Vic. c.61

51. Cottenham had been Lord Chancellor and one of the two lords (with Brougham) who heard the first Auchterarder case.

52. Hansard 3rd series vol.70 col. 537-8, 547-51 3rd July, 1843

The local Tory/Moderate newspapers at first praised the bill but later changed their stance. The *Dundee Courier* when commenting on the introduction of the bill declared the country owed a debt to Lord Aberdeen:-

"... for the manner in which he continues to maintain inviolate the ancient bulwarks of the Church while he concedes every liberty to the people which they can possibly hope to enjoy consistent with reason and common sense".

Two months later the editor asserted the Act greatly breached the rights of patrons and gave no essential benefit to parishioners. He also doubted if it would add to the popularity of the Establishment.⁵³

After declaring it was "not easy to improve that admirable law" the editor of the *Fife Journal*, in his next issue, claimed the bill was not needed. He doubted if the Church would benefit and could not see how patronage, "which does well for the Church", could be more curtailed. The editor also thought the bill would not pass without considerable amendment. Later, in August, he stated firmly the bill would not pass. The following week the paper announced the bill had been enacted and hoped that only good would come of it.⁵⁴

It is not clear why these newspapers should not have continued to support Aberdeen's measure. It is possible that local Moderates, who were the main subscribers to the papers, had realised the bill was more than merely a declaratory measure and insisted the papers opposed it. The *Fife Journal* was particularly vulnerable to such pressure as it had survived a financial crisis only a short time previously and would not wish to risk another.⁵⁵

The Liberal/Voluntary local press after initially decrying the bill tended to ignore it. The *Dundee Advertiser* said it was impossible to praise the bill as, "it confers so doubtful a benefit on the people while the Patrons are bereaved of their rights. The *Fife Herald* held the bill to be insignificant, meaningless and even if it worked "would only serve to further Erastianise the Church".⁵⁶

53. *Dundee Courier* 20th June and 15th August, 1843.

54. *Fife Journal* 8th and 15th June, and 10th and 17th August, 1843.

55. Hutchison, *A political history of Scotland*, (1986) p.10.

56. *Dundee Advertiser* 28th July, 1843. *Fife Herald* 15th June 1843.

The *Fife Sentinel* (Non-intrusionist) made frequent references to the bill but usually in attempts to 'score off' local 'Residuaries'. Principal Haldane, said the editor, had approved the bill "like an upright servant of the State".⁵⁷

George Cook of St. Andrews expressed opposition to the bill when the Commission of General Assembly met in August, 1843. His chief complaints were that the Church had not been consulted or allowed to comment on it when it was first introduced in Parliament and that it gave presbyteries too much power. However he expressed a hope that presbyteries would exercise caution when operating it.⁵⁸ Cook proposed that the Commission should express its disapprobation of the Act and ask the Government to repeal it. Principal Haldane of St. Mary's College moved a second motion approving the Act and hoping it would fulfil the intentions of the Government. Haldane's motion was carried by 61 votes to 33.⁵⁹

Only three commissioners from the study presbyteries supported Cook's proposal. They were, George Wright (Kingsbarns), Anstruther Taylor (Carnbee) and George Cook himself. Seven commissioners, including Haldane, supported the second motion. They were, John Anderson (Newburgh), James Cochrane (Cupar) and George Milligan (Elie) ministers and Major Hugh Lyon Playfair, Col. Playfair and Sir Ralph Anstruther, elders.⁶⁰

When St. Andrews Presbytery met on 28th July, 1843 Anstruther Taylor⁶¹ proposed a petition against Aberdeen's bill be sent to the Home Secretary. The petition was intended to cover the following points:-

1. The bill ought not to be passed without the Church being able to express an opinion on it.

57. *Fife Sentinel* 8th and 15th June, 13th July and 10th and 17th August, 1843.

58. It has been claimed that Cook opposed the bill because he did not have the disposal of government patronage (Maciver, *The General Assembly*, 1977. p.28). While this may have coloured his view to some extent it is unlikely to have played a major part in his opposition to the bill as his behaviour was consistent with the attitudes he had shown before the Disruption.

59. A.G.A. 1844 - abridgement p.47

60. *Fifeshire Journal* 17th August, 1843

61. Taylor was able to exert great influence within Presbytery but it is not apparent why this should have been so.

2. It was impossible to approve changes in the constitution of the Church.
3. The bill was "...one of the most dangerous encroachments upon the liberty and independence of the Church that has ever been attempted".
4. The bill altered the constitution of the Church by "...giving new powers and taking away old ones from one and all of them [patron, presentee, presbytery and people] and regulating the induction of office bearers according to a system altogether new."
5. The bill was not approved of by an overwhelming majority of the Church.

The petition was presented to the House of Commons on 5th August, 1843.⁶²

This proposal represents the extremity of "Moderate" views and contains a number of false statements. The bill, while not meeting all the demands made by the non-intrusionists, did give lay members of the Church clear rights to oppose the settlement of a presentee and prevented any challenge in the civil courts to decisions made by church courts during induction procedures.

It is difficult to understand how the bill could be regarded, even by an extremist like Taylor, as an "encroachment on the liberty and independence of the Church" since it freed the Church, in important areas, from any interference by the Court of Session such as happened during the Church/State controversy. Furthermore, the bill attempted to fulfil a demand for a definitive Act of Parliament on the statutory powers of Church courts and the rights of church members in the settlement of ministers. This demand had been made for years by both sides of the Church during its quarrel with the State.

Far from introducing "a system altogether new" Aberdeen's proposals merely made statutory, procedures commonly in use before the Moderate party in the Church attacked the rights of lay members in the second half of the eighteenth century. Finally, contrary to the statement in the last paragraph of Taylor's motion most people in the Church did approve of the Bill if the voting on Principal Haldane's motion and the number of disputed settlements brought to General Assembly in 1844 and the following years are any guide. Only one other petition against the bill was presented to the Commons. That

62. St. Andrews Presbytery minutes. Hansard 3rd series vol.71 col.296.

was from the Presbytery of Garioch on 31st July, 1843.⁶³

If the Government's intention was to encourage the return of Free Churchmen to the Established Church by means of the Scottish Benefices Act they failed markedly. The Act gave too little and came far too late to have, from the Government's viewpoint, any beneficial effect on the Disruption. While it may be argued that it prevented any further loss from the Established Church it would be difficult to sustain this claim. Certainly, throughout the study area there was a steady trickle of defections to the Free Church during the late 1840s.⁶⁴

The Act itself does not appear to have worked very well. Church courts had to spend much time dealing with objections to ministers and hearing appeals from lower courts. In 1844 General Assembly heard thirteen such cases which occupied most of the time available in five working sessions even when three cases had been referred to the Commission for final decisions.⁶⁵

One such case occurred at Ceres. Robert Cook, aged 51, was presented on 1st September, 1843 as assistant and successor to Joseph Crichton the parish minister.⁶⁶ When Cook was called on 2nd October, 1843, 225 "alleged parishioners and members of the Church" objected to his settlement on the grounds he could not be heard in many parts of the church, his Aberdeenshire style of speech could not be understood, he read his sermons and he was, in any case, too old for the post. Presbytery met twice to deal with the case and then appointed a committee to hear the remaining objectors. The committee reported on 31st October, 1843 when Presbytery refused to hear any further objections but did hear evidence in support of the nominee before adjourning to meet the following day. At this meeting Presbytery

63. Hansard 3rd series vol.71 col.8. Garioch is an area of Aberdeenshire around the town of Old Meldrum.

64. Anstruther Free Church kirk session minutes, for example, show that approximately twenty people from nearby parish churches joined the Free Church each year between 1843 and 1850.

65. A.G.A. 1844 - abridgement

66. Crichton had been parish minister for fifty years and was 89 in 1843. For some years age and physical disability had made him neglect his parish duties. He died in 1849. Fasti vol.V p.132. Cupar Presbytery Minutes 1st September, 1843.

decided to repel the objections and sustain the call. Four members dissented.⁶⁷ The case, having been referred to the Synod of Fife in April, 1844,⁶⁸ was heard by General Assembly. The latter body proceeded to deny the appeals and ordered Robert Cook to be settled as soon as possible. Cook was eventually inducted on 19th July, 1844.⁶⁹

It seems clear from this case that, at least in the first months after the bill's enactment, some presbyteries were prepared to ignore the spirit of Aberdeen's Act when faced with an unpopular presentee. Such behaviour by a presbytery would only serve to reinforce local non-intrusionist opinion that the new Act did not meet demands for the end of unpopular settlements. It is also clear that the procedures used in the implementation of the Act were cumbersome, expensive and time wasting.

The *Fife Journal* summed up local Moderate feeling on the effectiveness of Lord Aberdeen's Act. The editor thought it had failed to "produce the good intended of it". Those Non-intrusionists who remained in the Established Church were claiming the Act conceded all they had wanted before the Disruption. Furthermore, they were sustaining all kinds of special objections to presentees no matter how silly, irrelevant or preposterous these objections were. Finally, the editor declared that if this behaviour continued there would be another secession.⁷⁰

The Division of Parishes

As early as June, 1843 questions were being asked in the House of Commons about the Government's plans regarding the position of *quoad sacra* parishes following the judgement by the civil Court of Session in the Stewarton case. On 9th June, 1843 Sir James Graham, in reply to a question from Sir Andrew Leith Hay⁷¹, announced the Government planned to introduce in that session a measure to regulate the settlement and

67. Cupar Presbytery minutes 2nd, 18th and 31st October and 1st November, 1843.

68. The Witness 17th April, 1844

69. Cupar Presbytery Minutes 31st May; 19th July, 1844.

70. Fife Journal 7th December, 1843.

71. M.P. for Elgin Burghs

endowment of *quoad sacra* ministers in the Church of Scotland but that no public funds would be used for endowments. The *Fife Sentinel* (the only local newspaper to refer to the announcement) commented that unendowed churches with ministers who would be unable to exercise discipline would not "add much to the efficiency of the half deserted Establishment".⁷² Graham kept his word and introduced the bill on the very last day of the session when it was given its first reading and ordered to be printed.⁷³

The new session began on 1st February, 1844 but nothing was heard of the Division of Parishes (Scotland) bill until 5th March, 1844, when it was re-introduced by the Lord Advocate (Duncan McNeil). He declared:-

"....it did not appear that there was....any interference with the civil rights of heritors, in having parishes sub-divided and established merely with a view to religious purposes, and when funds were provided by private persons, he proposed to give the Courts the power of constituting parishes *quoad spiritualia* in the cases in which the endowments had been made by private individuals."⁷⁴

At first sight McNeil's opening statement appears to contradict the Court of Session judgement in the Stewarton case. However, in that case it had been ruled that the Church had no power to set up *quoad sacra* parishes. The Government now proposed to give this power not to Church courts but to the civil courts.

There was some opposition by Scottish M.P.s during the committee stage of the bill⁷⁵ but the Government was able to force the bill through with a comfortable majority.⁷⁶

The new Act⁷⁷ repealed the 1707 Act of the Scottish Parliament⁷⁸, declared the new parishes were not subject to the

72. *Fife Sentinel* 29th June, 1843.

73. Hansard 3rd series vol.69 col.1298-9; vol.70 col.1010; Dundee Advertiser 1st September, 1843.

74. *Fife Sentinel* 14th March, 1844.

75. Led by Fox Maule (Perth), R.M. Stewart (Renfrewshire), Edward Ellice (St. Andrews) and Joseph Hume (Montrose).

76. Hansard 3rd series vol.75 col.398-414.

77. An act to facilitate the disjoining or dividing of extensive or populous parishes, in that part of the United Kingdom called Scotland. 7 & 8 Vic. c.44. 19th July, 1844.

78. Act anent plantation of kirks and valuation of teinds. APS vol.11 p.433.

Patronage Act⁷⁹, placed civil functions (specifically the poor and roads) in the hands of kirk sessions composed of all elders within the bounds of the original parish, and insisted there must be an endowment for the minister of £100 and a manse.⁸⁰ Under the Act *quoad sacra* ministers and their elders were to have full places on Church courts and the provisions of previous Acts of Parliament⁸¹ for augmenting ministers' stipends were not to apply to the new parishes.

Thus, unless a minimum stipend was guaranteed, the new Act firmly placed ministers of chapels of ease in the position they had occupied in the Church before the Chapel Act had been passed in 1834. If this Act had been passed before the Disruption the Stewarton judgement would not have been needed since the erection of *quoad sacra* parishes without a minimum endowment would clearly have been illegal.

The Act also clearly illustrates the Erastian nature of the Church of Scotland in the mid nineteenth century. The Church allowed the civil government to change its constitution by statute to allow office bearers in *quoad sacra* parishes, under certain conditions, to sit on its courts. The Church possibly permitted the change to be made, without protest, because it realised that unless the office bearers of *quoad sacra* parishes were given equality of status with those of *quoad omnia* parishes there would be no possibility of providing the extra places of worship needed to cope with the demographic changes of the period or of retaining the loyalty of the remaining *quoad sacra* ministers and their congregations. Without these extra buildings the Established Church would soon have found itself at an even greater disadvantage vis-a-vis the Free Church than was already the case.

The General Assembly in 1844 had appointed a "Committee to give Advice and Assistance to Presbyteries, in retaining *quoad sacra* Churches throughout the country to the Establishment, and for raising funds, by

79. 10 Ann c.12. 1712.

80. When Sir James Graham originally presented the bill this figure was said to be £120. Dundee Advertiser 1st September, 1843

81. 50 Geo.III c.84. 15th June, 1810.
5 Geo.IV c.72. 17th June, 1824.

subscription or otherwise, for this special object".⁸² The objectives of this committee were unrelated to the parliamentary Act on the Division of Parishes which was not enacted until two months after the committee was appointed. The committee was to seek to retain or recover as many *quoad sacra* church buildings as possible.

There had been some comment on this issue in the local press the previous year. The *Fife Herald* took a realistic view. The editor thought that "since most attenders at chapels and most of those who had financed their buildings have left the Establishment, the Moderates should let the buildings follow the occupants". It would have been wrong for the Moderates to engage in doubtful legislation "merely to become owners of bare walls and to exclude those for whom and by whom they had been built". The *Dundee Courier* expressed a diametrically opposed opinion. This paper held it was "... dishonourable and unprincipled of the schismatic church to retain possession of the bulk of the chapels of ease. It is keeping possession of known and acknowledged property of others". The editor then castigated the Free Church as a band of thieves.⁸³

Many *quoad sacra* congregations had continued to occupy their places of worship after the Disruption⁸⁴ and refused to vacate them until the Established Church cleared the outstanding debts incurred in erecting the buildings. Dundee Presbytery did eventually recover three of the Dundee churches; Lochee in 1845, Chapelshade in 1847 and Wallacetown in 1853.⁸⁵ In 1847 the scope of the *quoad sacra* committee was widened to include fund raising for the purpose of liquidating debts on *quoad sacra* churches and to providing for their endowment. James Robertson became the convener in that year.⁸⁶

82. A.G.A. 1844 - committees 1844 p.3

83. *Fife Herald* 13th July, 1843 *Dundee Courier* 27th June, 1843.

84. There were seven in the Parish of Dundee and one in the Parish of St. Andrews. In addition there were others outwith the study presbyteries.

85. The Free Church retained the others. See Chap. 6 pp.212-15

86. Professor of Church History in the University of Edinburgh. Formerly minister of Ellon. AGA. 1847 - committees p.9.

When Thomas Chalmers had become convener of the Assembly's Church Extension Committee in 1835, he had completely revitalised it and within five years had raised over £300 000 and built 222 churches. Robertson brought similar energy and determination to his new task. By 1859 he had raised over £400 000 and endowed sixty *quoad sacra* churches with forty more in progress.⁸⁷ This was an even more remarkable achievement than that of Chalmers given that over 40% of the membership of the Church, including many of the more active and generous of the middle classes, had joined the Free Church. It has been argued, with some justification, that Robertson's drive and energy in promoting the Endowment Scheme went some way towards encouraging the discouraged Establishment to realise that it still had a future usefulness and a continuing mission as a National Church.⁸⁸

The Division of Parishes Act had no immediate effect on the three study presbyteries. In the Presbytery of Cupar area no *quoad sacra* parishes were erected until 1876 when Freuchie became the first such parish within the bounds. After that no more *quoad sacra* parishes in the Presbytery until Ladybank was erected in June, 1882.⁸⁹

Boarhills, where there had been a preaching station since the 1830s, became the first *quoad sacra* parish in the Presbytery of St. Andrews in 1857, to be followed in January, 1860 by Largoward where a chapel of ease had been built in 1835, and by Strathkinness the following July. There was then a twenty year gap before the next *quoad sacra* parish was erected at Cellardyke in March, 1881.⁹⁰

Despite its numerous chapels of ease Dundee Presbytery erected only one *quoad sacra* parish before 1870. This was at Broughty Ferry, a rapidly expanding suburb of Dundee, where there had been a chapel of ease since 1826. It did not become a *quoad sacra* parish until July,

87. The endowment of each church required a capital sum of between £4-5 000 to provide the minimum legal stipend. Cunningham, *Church Hist. of Scot.* 1882, p.539

88. Burleigh, *Church history of Scotland*, 1960, p.377.

89. *Fasti* vol.5 pp.157, 162.

90. *Fasti* vol.5 pp.185, 191, 220, 244.

1863. It is surprising that Dundee Presbytery, so active in the provision of chapels of ease in the 1830s, should have been so inactive in securing legal *quoad sacra* parishes after the Disruption. One possible explanation of this is that the ministers and elders most interested in church extension in the earlier period had left the Established Church and their replacements were less concerned to increase the number of ministers on Presbytery. They may also have felt, that due to the number of Free and dissenting churches in the burgh, there was no great need of more places of worship at the time. These suggested possibilities do not explain why the status of the five existing chapels of ease was not improved.⁹¹

REPLACEMENT MINISTERS

In the period following the Disruption the Established Church was in the position of having churches, manse and money for stipends but facing its most serious shortage of ministers since the 1690 Revolution Settlement.

Even when a presentee had been found it was not always easy to proceed further with filling the vacancy. A presentee might suddenly withdraw or parishioners might be reluctant to sign a Call.

One such case was reported from the Presbytery of Lockerby where J. McRae was presented to the parish of Kirkpatrick Fleming. The parishioners became angry because the patron had failed to provide the list of candidates he had previously promised. McRae, learning this would probably prevent "an harmonious settlement", promptly resigned his right to the presentation.⁹²

In September, 1843 the Presbytery of St. Andrews met in Anstruther Easter to moderate a call to Thomas Culter. Apparently no heritors, magistrates or councillors attended the meeting although it was their right to do so. Those parishioners who did attend were reluctant to sign the call. The session clerk, beadle and the father of the minister of Largo "together with someone's three dinner guests"

91. These chapels were; Broughty Ferry, Chapelshade, Lochee, St. Andrews and Wallacetown

92. Fifeshire Journal 20th July, 1843.

did sign the call. "Neither the general call of the Moderator to male and female nor his special call to individuals could produce further effect". However, Presbytery did obtain another three signatures by some means and on the basis of these nine signatures appointed a date for ordination.⁹³

Not all vacancies occurring in the seven years 1843 - 1850 were due to secession to the Free Church. Some ministers who had remained with the Establishment died, were translated to other parishes or demitted their charges. Still others required assistants and successors, usually due to age or ill health. In the three study presbyteries of the 48 replacement ministers required during the period only 23 (48%) were due to the Disruption.⁹⁴

The desperate need to fill vacant charges as quickly as possible doubtless gave many licentiates the opportunity for ordination which had not previously been available to them. Robert Williamson was ordained to Collessie after thirteen years as a licentiate - this was almost three times the average period ministers, in charges at the Disruption, had spent as licentiates.⁹⁵

Sources of ministers inducted to charges 1843-50

Table 5.1 (p.130) shows the wide range of sources used by patrons to find presentees for vacant parishes. Licentiates and existing ministers of the Established Church formed over 90% of the presentees to vacancies. In addition one came from England, another from Jamaica and a third from Brazil. The final presentee was an ex-minister of the Relief Church who was admitted to the Established Church in 1845.

93. Fife Sentinel 21st September, 1843.

94. In Cupar Presbytery there were fourteen vacancies of which nine (64%) were due to a minister joining the Free Church. In Dundee Presbytery the figures were 21 and 10 (48%) and in St. Andrews Presbytery they were thirteen and four (31%). see Appendix B.

95. See Chap.7 p.194.
It is unfortunate the "Fasti" does not record the date of licencing of other older ordinands.

Table 5.1

SOURCES OF MINISTERS INDUCTED TO CHARGES 1843-50

<u>SOURCE</u>	<u>No.</u>	<u>%age</u>
Licentiates	29	60.4
Translation from		
Scotland	15	31.3
England	1	2.1
overseas	2	4.2
other denominations	1	2.1

Source - Appendix B

Reasons for incumbents vacating charges

During the period between the Disruption and the end of the decade 48 vacancies⁹⁶ occurred in the 62 ministerial charges of all kinds⁹⁷ which existed in the study presbyteries in May, 1843. Seven of these charges became vacant twice and one, Dundee, St. Johns, became vacant three times. The latter charge which had lost its two previous ministers by translation to other charges became vacant for a fourth time when James Caesar was also translated, to Panbride, in February, 1851. The parish of Kemback also became vacant for the third time, in October, 1851, due to the third successive death of its minister.

Thus 38 (61%) of the study parishes suffered ministerial changes during what was, for the Established Church, a vital transition period in the years immediately following the Disruption.

Table 5.2 summarises the causes of these vacancies. The table shows clearly the importance of secession as a cause of vacant

Table 5.2

REASONS FOR VACANT CHARGES 1843 - 1850

<u>Cause</u>	<u>No.</u>	<u>%age</u>
Joined Free Church	22	45.8
Death	9	18.8
Demission	2	4.2
Mental illness	1	2.1
Translation	10	20.8
First appointment of an assistant and successor	4	8.3

Source - Appendix B

96. Including four new posts as assistant and successor.

97. *quoad omnia*, *quoad sacra* and chapels of ease.

parishes. Nearly half the vacancies in the study presbyteries are attributable to this cause. Translation was also surprisingly high as a cause of vacancies during the period. Before the Disruption translations were comparatively rare occurrences. By contrast the number of deaths cannot be regarded as unusual. Six of the ministers who died were over 65 years of age.⁹⁸

Length of vacancies

The period a ministerial charge was vacant varied markedly from three months to an exceptional 55 months in Dundee, Chapelshade.⁹⁹ More than half the vacancies were filled in five months or less. This shows a commendable sense of urgency on the part of patrons since in order to allow the necessary formalities to take place at least seven Sundays had to elapse between the meeting of presbytery at which a presentation was sustained¹⁰⁰ and its convening to induct the presentee to the charge.¹⁰¹ The time scale would seem to indicate that, in some cases, a patron had selected a possible presentee before the Disruption had actually taken place. This is particularly apparent with the choice of the seven presentees who were inducted three months after the previous minister had left the charge.

The six longer vacancies were all the result of disputes and all, with the exception of Ceres¹⁰², within the Burgh of Dundee. The Dundee disputes were of two kinds; those between the Presbytery of Dundee and the burgh council which wished to close one church¹⁰³, and those between the Presbytery and the Free Church congregations at Lochee

98. These included three over eighty and James Macdonald, minister of Kemback, who was 91.

99. Table 5.3 p.132.

100. Which could be two or three weeks after a presbytery clerk received notice of the presentation.

101. On one Sunday an edict for the presentee to preach had to be read by a visiting minister at the end of the service. The presentee then preached for two Sundays so that the parishioners could hear him. On the fourth Sunday an edict for the moderation of the Call ten days later was read. On the sixth Sunday the edict for the induction of the presentee was read.

102. pp.122-23 above.

103. pp.116 above.

Table 5.3

LENGTH OF VACANCIES (IN MONTHS) IN MINISTERIAL CHARGES
DURING THE PERIOD 1843 - 1850

<u>Months</u>	<u>No.</u>	<u>%age</u>
3	7	15.9
4	12	27.9
5	4	9.1
6	5	11.4
7	5	11.4
8	-	-
9	1	2.3
10	2	4.5
11	1	2.3
12	1	2.3
12+	6	13.6

Source - Appendix B

and Chapelshade. Both these congregations refused to vacate their church buildings. The basis of the latter disputes was the outstanding debt due by the congregation of each of these churches for the erection of their buildings¹⁰⁴. The Established Church wished to retain the buildings for the use of its adherents but expected those members who had seceded to the Free Church to clear the debt. In effect, the Church of Scotland wanted people who would be debarred from using the buildings to pay for their erection. Naturally the Free Church adherents did not see the justice of this and argued that those who paid for the buildings had the right to use them.

These cases¹⁰⁵ were first brought to the attention of the Presbytery on 21st June, 1843. Presbytery was asked by 32 members of the remaining congregation at Lochee asked to take steps to prevent their church and school being used 'for preaching and schismatic purposes'. A similar request was made on behalf of the 'remnant' Chapelshade congregation. Presbytery responded by appointing a committee to investigate. Later, in August, Presbytery set up another committee to examine the title deeds of all the chapels (*quoad sacra* churches) within their bounds.

Since the Lochee and Chapelshade cases are similar only that of Lochee is discussed in detail here. At the November meeting of

104. These included church and school.

105. Together with those of Dudhope, St. Peters, Hilltown and Willison. These were retained permanently by the Free Church and are discussed in the next chapter.

Presbytery its committee reported on a meeting held with the managers of Lochee. There was a debt of £300 which would need to be paid before the managers would yield possession. In addition £220 was due to subscribers but, the committee asserted, they had no right to demand immediate payment but could reclaim their money only when the church could afford it. The committee had raised the £300 but the managers refused to part with the church until the subscribers had also been paid. The managers were also seeking to elect a secession minister. Presbytery agreed that steps should be taken to prevent the occupation of the pulpit by dissenters.

The sheriff refused to grant an interim interdict but he was prepared to allow a full hearing of the case. Presbytery decided to seek further legal advice on the matter. The Procurator of the Church advised against further action in the sheriff court as the case would likely go against them. He suggested an action for redemption in the Court of Session which would not only close the Lochee pulpit to dissenters but would also ensure the recovery of the church on payment of the outstanding debts.

The Presbytery of Dundee does not seem to have taken legal action, possibly on the grounds of expense, but to have continued with a series of talks with the managers of the church. In July, 1844 Presbytery agreed to settle the issue on the managers' terms and appointed a committee to raise the necessary funds. The church and school were finally recovered by the Established Church early in 1845.¹⁰⁶

The Presbytery took longer to recover the Chapelshade buildings because its committee discovered the Church of Scotland did not have a valid sasine¹⁰⁷ for the property. The resolution of this difficulty, hampered by lack of funds on the part of Presbytery, accounts for most of the extra delay. The remaining time was taken up by delaying tactics by the Free Church congregation who finally vacated the

106. Dundee Presbytery minutes 10th November, 8th and 20th December, 1843, 3rd January, 31st July, 1844, 6th February, 1845.

107. The act of giving legal possession of feudal property.

buildings in February, 1847.¹⁰⁸

THE ELDERSHIP OF THE ESTABLISHED CHURCH 1843-50

As with ministers the Established Church, in general, found itself lacking in elders and appears to have found them more difficult to replace. 54% of the elders traced in the three study presbyteries seceded at the Disruption¹⁰⁹ as compared to 42% of the ministers.

Although Table 5.4 shows that fourteen kirk sessions retained all their elders in 1843 most of these were small. Eleven consisted of five elders or less. Only Kingsbarns (six elders), Carnbee (seven) and Kilconquhar (nine) had more. None of the parishes where the whole of the kirk session seceded had had more than five elders.

Nevertheless at least 64% of kirk sessions lost one or more elders. Sixteen (30%) parishes¹¹⁰ were left without viable kirk sessions¹¹¹ as opposed to two before the Disruption. Another

Table 5.4

NUMBERS OF ESTABLISHED KIRK SESSIONS RETAINING DIFFERENT PROPORTIONS OF ELDERS AT THE DISRUPTION

%age retained	Cupar Pres.		St. Andrews Pres		Dundee Pres		Total	
	No.	%age	No.	%age	No.	%age	No.	%age
100	3	16.7	7	33.3	4	28.6	14	26.4
51-99	3	16.7	5	23.8	3	21.4	11	20.8
50	2	11.1	1	4.8	3	21.4	6	11.3
1-49	4	22.2	4	19.0	2	14.3	10	18.9
0	4	22.2	2	9.5	1	7.1	7	13.2
No data	2	22.2	2	9.5	1	7.1	5	9.4
Total	16	100.0	19	100.0	13	100.0	48	100.0
No session	2							

Source - Appendix C

Note. The Parish of Dundee in this table is taken to be one parish and not as 15 *quoad sacra* parishes as in Appendix C since the *quoad sacra* system in the Parish was abolished by the Presbytery of Dundee soon after the Disruption.

108. Dundee Presbytery minutes 21st March, 1844; 15th February, 1847

109. chap.8 pp.224-26.

110. 9 (56%) in Cupar Presbytery, 2 (15%) in Dundee and 5 (26%) in St. Andrews.

111. A *quoad omnia* parish kirk session required a minimum of a minister and two elders in order to carry out its civil functions.

eight (15%) parishes¹¹² had only two elders although four of these¹¹³ had been functioning with two elders for some years. Dunbog, one of the two parishes without elders in May, 1843, ordained the two elders required in July, 1844.¹¹⁴ This was ten months after John Gilchrist had been inducted to the charge following the previous minister's secession to the Free Church.

When a parish kirk session was unable properly to carry out its civil duties it was the custom for presbytery to appoint two ministers from adjacent parishes to provide a quorum on the kirk session. Following the secession of so many ministers in May, 1843 the "residuary" ministers found their work load very much increased. They had to share in the supply of ordinances in parishes other than their own and attend more frequent presbytery meetings. The difference in the frequency of presbytery meetings is shown in Table 5.5. To be forced to attend extra kirk session meetings must have been an additional heavy burden. Thus the ordination of elders to replace those lost became a matter of urgency.

TABLE 5.5
FREQUENCY OF PRESBYTERY MEETINGS 1842-44

Presbytery	1842	1843		1844
		Jan-May	May-Dec	
Cupar	16	2	26	20
Dundee	7	4	17	21
St. Andrews	15	8	25	14

Source - Relevant prebytery minutes.

Nevertheless only three parishes first attempted to augment their kirk sessions in 1843. Nine did so the following year. In 1845 a further six parishes made the first moves for more elders. One parish, Logie, did not ordain its first new elders until 20th December, 1850.¹¹⁵ Whether this was due to the inertia of William

112. 3 in Cupar Presbytery, 2 in Dundee and 3 in St. Andrews.

113. Kilmany and Moonzie in Cupar Presbytery, Monikie in Dundee Presbytery and Kemback in St. Andrews Presbytery.

114. Dunbog Kirk Session minutes 26th August, 1844.

115. In Logie only one elder remained after the Disruption.
Logie Kirk Session minutes 20th December, 1850

Watson, the new minister, or, as is more probable, his inability to persuade men to accept office is not clear.

Despite the pressing need for more elders the records of nineteen other parishes¹¹⁶ show no attempts to find extra elders until after 1850. This is not to say that ministers of these parishes made no efforts during this period to persuade suitable men to join the eldership as it is probable that session clerks felt there was no point in recording unsuccessful attempts.

That ministers could be unsuccessful in their search for new elders is made clear in other kirk session minutes. The ministers in Cupar approached 109 individuals in November, 1843 and were able to persuade only five to accept office. The session recorded their regret 'that of the number recommended by the congregation only five agreed to accept'. Nevertheless they decided to ordain the five and try to get others to join the session later.¹¹⁷

George Dickson at Kilrenny was even more unsuccessful. Between 9th January and early June, 1844 he tried to persuade eleven men to become elders all of whom declined.¹¹⁸ He seems to have been disheartened by this result as there are no records of elders being ordained in the parish until the 1850s.

The ministers in Dundee Parish approached 104 men to join the General Session and met with fifty refusals during the seven years after the Disruption. The first new elders were ordained in September, 1843.¹¹⁹

Other kirk sessions also record the number of men who refused office during the period 1843 - 1850. Anstruther Easter ordained four and had two refuse to serve.. In Ferryport-on-Craig seven were ordained and twelve refused. In Pittenweem seven were ordained and four refused. In St. Monans four were ordained and five refused.

116. Eight in Cupar Presbytery, four in Dundee and seven in St. Andrews

117. Cupar Kirk Session minutes 29th November, 1843.

118. Kilrenny Kirk Session minutes 5th February, 1844.

119. Dundee General Session Minutes September, 1843.

Lochee ordained four and ten refused and in Monifieth one was ordained and two refused.

It seems fair to comment that although lay people had remained in the Established Church many, especially teachers and tenant farmers¹²⁰, may have done so reluctantly since such large proportions had refused to become office bearers at a time when the Church needed influential and hardworking leaders. On the other hand many men may have declined to become elders because they did not feel themselves suitable for the position. Only eighteen of the 48 study parishes apparently had no one who refused ordination. However, in view of the widespread pattern of refusals elsewhere, this situation in these parishes may have simply been due to a failure to record the names of men who had refused to become elders.

LAY SUPPORT FOR THE ESTABLISHED CHURCH 1843 - 1850

It is not easy to discover just how many people remained in the Established Church after the Disruption. A reasonable assumption is that the proportion of seceders would vary from parish to parish but hard facts about any one parish are difficult to obtain.¹²¹ Reports of attendances at church services in many parishes were often published in local newspapers but these could well be inaccurate since the local press was heavily biased to one side or the other.

When the call to William Leitch was moderated at Monimail six heritors, two elders and 117 communicants signed it. The report of this meeting published in the *Fifeshire Journal*, a newspaper which supported the Moderate side in the Church/State dispute, claimed that a further 160 communicants had added their names during the six days following the meeting and that 285 individuals had by then signed the call. If the latter figure is correct it would suggest that c.56% of the congregation remained loyal to the Established Church since a parish history claims "130 members of the Establishment joined the Free Church". The latter figure could be erroneous since the Monimail

120. chap.8 p.232

121. see chap.6 pp.164-66

Free Church recorded a communion roll of 140 in December, 1843.¹²²

Another report from Monimail published in the *Fife Sentinel*, a newspaper supporting the Free Church, states:-

"All our other officials [two elders had joined the Free Church] continue attached to the Church from the Schoolmaster to the minister's man and so do all our fashionables from Laird to Beadle's wife."¹²³

Communion rolls covering the Disruption period would provide an accurate guide to the size of the secession to the Free Church.

Unfortunately only one showing which communicants seceded and which remained in the Established Church has been located. This is for the Parish of Anstruther Easter and shows that of 320 communicants of both sexes 183 (57%) remained with the Established Church.¹²⁴ Anstruther Easter was a parish from which the minister and five (83%) elders seceded. How far this is an accurate reflection of the general trend of adherence by lay people it is impossible to say but it does agree fairly well with estimates of the size of the secession to the Free Church.¹²⁵

The actual numbers of people who remained in the Church of Scotland are not really a guide to the numbers who in fact supported the Free Church. There were many people who for a number of reasons, mainly economic, were forced to adhere to the Establishment when perhaps they would have preferred to support the Free Church.¹²⁶

Two instances will suffice to show there were others who, while opposed to its Erastian policies, were not prepared to sever their connection with the Establishment.

James Ewing, who had been assistant and successor to the minister of the *quoad sacra* parish of St. Andrews, Dundee, joined the Free Church in May, 1843. He wrote to inform the managers of his decision. The managers, in their reply, showed their sympathy with

122. Cupar Presbytery minutes 18th August, 1843. *Fifeshire Journal* 24th August, 1843. W. McCraw *Monimail; a Short History* (1974). Monimail Free Kirk Session minutes 17th December, 1843.

123. *Fife Sentinel* 27th July, 1843

124. Anstruther Easter Communion Roll 1843.

125. See Chap. 6 pp. 163-69 for a fuller discussion of this subject.

126. See Chap. 8 p. 232 for a fuller discussion of this subject.

the Free Church cause by saying:-

"...[we] assure you that we sincerely lament that circumstances should have rendered this step on your part indispensable, and that we deeply sympathise with you and your brethren throughout the country who have been forced to abandon the advantages of the Establishment.....we know you will have many attached followers in your new sphere of usefulness".¹²⁷

For many years it had been the custom in Anstruther Wester for the church beadle to ring the town bell to indicate it was time for the Sunday morning service. On 17th October, 1843 the beadle was unable to do this as the belfry door had been locked by the order of the Burgh Council. The Provost refused to discuss the matter with the kirk session. The elders persuaded a solicitor to write immediately to the Provost requesting access to the bell tower but this, too, was ignored by the Provost. As a result there was no bell for service. At its meeting the next day the kirk session decided to seek an interdict from the Court of Session preventing the burgh council repeating the incident.¹²⁸ Whether the interdict was obtained is not recorded. At this stage none of the Anstruther Wester councillors had seceded to the Free Church so that the incident cannot be described as inspired by Free Church councillors. These incidents tend to show that although a majority of lay members of the Church of Scotland remained with the Establishment some of them did so reluctantly. It is reasonable to assume, therefore, the Established Church did not receive the wholehearted support from all its lay members which the Free Church had from all its laity.

MINOR ATTACKS ON FREE CHURCHMEN

The Disruption brought the public controversy between Church and State to an end and led the Established and Free Churches to a situation where they avoided clashes while they consolidated their positions. But although an unofficial truce existed at national level this did not prevent attacks being made by members of the Established Church on members and potential members of the Free Church at local level.

127. Dundee, St. Andrews Managers minutes 9th June, 1843.

128. Anstruther Wester Kirk Session minutes 18th October, 1843.

Some of these attacks have been described elsewhere in this study.¹²⁹

John Thomson, minister of Free St.Ninians, Leith, was sent to preach in the St.Andrews area soon after the Disruption. In one parish (un-named) he secured the use of a barn for a service. When Thomson arrived he found the farmer had been forced to withdraw his offer of the barn. Thomson was also told that the parish minister's son had gone to St.Andrews to buy fireworks with which to disrupt the service. However the Free Church visitor obtained the use of a wood yard and held a trouble free service on the clear assumption that fireworks would not be used in case the yard was set on fire.¹³⁰ This is just one of several reports of tenants being forced to retract promises allowing the use of buildings by the Free Church.

James Taylor (Flisk and Creich Free Church) recorded that difficulties were being placed in his way by the many local proprietors who were opposed to the Free Church. He said one landowner actively sought to prevent his cottars and dependents from attending Free Church services. Those who did so were 'dismissed from their grounds and service'. Taylor continued :-

"...this was ostensibly for other reasons, but this was known to be the real one. He [the landowner] traces his lineal descent from Claverhouse".¹³¹

Threatening servants with dismissal or tenants with termination of leases in order to deter them from deserting the Established Church seems to have been fairly widespread among certain types of employer and landowner particularly in rural areas. A doctor in St.Andrews is reported to have behaved in this way.¹³² Sometimes the threats went further. Thomas Brown wrote that the clerk to the heritors of one parish (un-named) had told his servant to stop attending the Free Church or lose her job. This man is said to have added that if she lost her job her old, widowed and bed-ridden mother would also lose her allowance

129. see chap.6.

130. Disruption Ms.LIV (in New College Library)

131. Disruption Ms XXXVII. T.Brown, *Annals*, 1893 p.358
John Graham of Claverhouse (1648-89) earned the nick-name
"Bluidy Clavers" from his activities while trying to suppress
the Covenanters in south west Scotland 1682-85.

132. The Fife Sentinel 6th July, 1843.

from the poor fund.¹³³

Taylor (Flisk and Creich) also commented on the difficulty of finding a suitable site for his new church. On one occasion a site was auctioned in Luthrie.¹³⁴ The minister's¹³⁵ sister had instructed her lawyer to buy it at any price. Taylor claimed that he bid well beyond the real value of the ground before letting her succeed in buying it. However, shortly afterwards one of the elders of his congregation sold Taylor enough land for a church and a manse.¹³⁶

Another form of persecution of Free Church people was the threatened loss of allowances from the poor fund. This seems to have happened in many places but few, if any, other kirk sessions emulated the Parish of Lairg, in Sutherland. Here the kirk session fixed on the day of the Free Church sacramental fast before communion as the time for the yearly distribution of poor's money.¹³⁷ Thus any person on the poor roll who chose to attend the Free Church pre-communion services would be without financial assistance for a whole year.¹³⁸ Conversely those members of the Free Church who collected their allowances and therefore omitted to attend the pre-communion services would possibly have been debarred from the communion table.

It would appear from the *Fifeshire Journal* that at least one member of the Established Church within the study area was not averse to using bribery to prevent secession to the Free Church. The paper related the way in which the beadle in the parish of Largo, apparently a strong non-intrusionist, had been induced to stay in the Establishment. Since the account, in a Moderate publication, concerned prominent local figures it is unlikely to be totally untrue.

133. T. Brown *Annals*, 1893. p. 364.

134. A village in Creich Parish which is over three miles from the nearest point of Flisk Parish. A free church there would have effectively prevented most people in Flisk from attending services on a regular basis because of distance.

135. Presumably Alexander Lawson, minister of Creich.

136. Disruption Ms. XXXVII
T. Brown *Annals* p. 254.

137. The majority of kirk sessions made monthly allowances to their poor people.

138. T. Brown *Annals* p. 363.

The Disruption occurred at the time when the black mourning cloth for a relative of the patron of the parish was due to be removed from the loft and pulpit. The beadle

".....did not know how to get it secured for himself (it being one of his usual perquisites) and so went to one of the residuary elders to inquire what he should do. The elder sent him to Sir Philip Durham's¹³⁹ factor to ask him. So he went and inquired if he was to get the cloth, on which the factor said - 'Are you a Brown's man'¹⁴⁰? The answer was, 'Yes'. 'O then,' says the factor, 'you can't get it, but if you stopped in the Church you would have got it'. 'O, then', says John, 'I'll just stay whaur I am'.¹⁴¹

Many socially and economically influential supporters of the Establishment showed their hostility to the Free Church in ways that today would be considered petty. In their eagerness to reduce support for the new church some were even prepared to withdraw assistance to the old, the infirm and the sick who were dependent on meagre allowances from the poor fund to remain alive. It must be stressed that only a small minority of members of the Established Church showed themselves willing to adopt such measures. In general these restrictive actions were not successful since by the end of the decade attendances at Free Church services exceeded those at Established Church if the 1851 Religious Census is taken to be even moderately accurate.¹⁴²

FREE CHURCH ATTEMPT TO ATTACK THE ESTABLISHED CHURCH

It is equally understandable that lay members of the Free Church would seek every way to extend the influence of their Church. Such an attempt was made in the parish of Cupar.

David Maitland-McGill-Crichton of Rankeillor had been a prominent and active supporter of the non-intrusionist cause during the Church/State controversy between 1838-1843. He was also the "superior" of the village of Springfield in the Parish of Cupar.¹⁴³

139. The patron of the parish.

140. Robert Brown the parish minister joined the Free Church in May, 1843.

141. Fifeshire Journal 8th June, 1843,

142. The Census shows the following attendance figures for the Established Church for the whole of Scotland (in thousands):- morning 229, afternoon 120 and evening 20. The comparable figures for the Free Church were:- 255, 171 and 57.

143. Springfield, which lies about three miles from Cupar, had a population of 600 - 700 people in 1843.

For some years prior to the Disruption the ministers of Cupar and other neighbouring parishes had supplied evening services in the village school. Maitland-McGill-Crichton had built the school and provided a teacher. After the Disruption he obtained an interdict barring Established Church ministers from entering his school and persuaded Free Church ministers to conduct evening worship there instead. Undeterred, James Cochrane, minister of Cupar First Charge, and his colleagues continued to hold services in a barn. These were attended by about 200 people.¹⁴⁴ The following year the Presbytery of Cupar decided to appoint a full time missionary for the preaching station in Springfield. This venture was funded, in part, by the General Assembly's Home and Mission Committee.¹⁴⁵ By the end of 1845 an Established church had been built, fitted out and opened for public worship.¹⁴⁶ Thus by his precipitate closure of the school Maitland-McGill-Crichton had induced the Established Church to set up a full missionary station complete with a church building which in time became a *quoad sacra* parish in its own right.¹⁴⁷ The Free Church did not succeed in becoming a permanent influence in the village.

THE PRESBYTERY OF ST. ANDREWS

At the Disruption St. Andrews was the least affected of the three study presbyteries. Only five (23%) of its ministers seceded to the Free Church compared with nine (45%) in Cupar Presbytery and fifteen (54%) in Dundee.¹⁴⁸ There were eight Free Church congregations in 1843 within the bounds of St. Andrews Presbytery while comparative figures for Cupar and Dundee were twelve and twenty respectively.¹⁴⁹ Kirk sessions in the St. Andrews area also retained a higher proportion

144. Fifehire Journal 8th June, 1843.

145. Cupar Presbytery minutes 13th September, 1844.
Fife Sentinel 19th September, 1844.

146. Cupar Kirk Session minutes 6th December, 1845.

147. On 19th July, 1865. Fasti V p.173

148. chap.6 p.162.

149. Appendix D.

of their elders than did those in the other areas.¹⁵⁰ Thus the members of St. Andrews Presbytery had relatively little to fear from the nascent Free Church. All the "residuary" members of the Presbytery, with the exception of William Ferrie snr., (Kilconquhar) were ardent supporters of the Moderate party's view. Some ministers¹⁵¹ were so hostile towards the Free Church they were not only ready to go to any lengths to attack the public positions of those men who had left the Establishment but were also able to persuade others to support their campaigns.

At its meeting in July, 1843 Anstruther Taylor (Carnbee) persuaded St. Andrews Presbytery to adopt a series of resolutions anent the relationship between the Church and schools, colleges and universities. These claimed that all teachers in Scottish parochial schools and universities had to adhere to the Confession of Faith and to the Formula of the Established Church of Scotland while they held office. If they did not do so an Act of General Assembly of 1711 and an Act of the Scottish Parliament of 1707¹⁵² gave presbyteries the right and power to remove them from office.

This was the first step in a long campaign to depose Robert Kilgour from his position as schoolmaster of the Parish of Elie and Sir David Brewster from the office of Principal of The United College of St. Leonard and St. Salvator in the University of St. Andrews. Both cases were very fully reported in the local newspapers. Earlier a letter from 'Lex' was published by the *Dundee Courier*. The writer maintained that it was illegal for parish schoolmasters and university professors to retain their posts if they joined the Free Church.¹⁵³ The first case often made members of presbytery appear ridiculous but it achieved its objective. The second brought expense to presbytery members, worsened the Church's position regarding university teachers and ultimately failed to remove Brewster from office.

150. See chap. 8 pp. 224-26

151. Notably Anstruther Taylor (Carnbee), George Milligan (Elie) and James Rogers (Dunino).

152. An Act for Securing the Protestant Religion and Presbyterian Church Government. APS vol. XI pp. 402-403.

153. *Dundee Courier* 27th June, 1843.

Robert Kilgour

George Milligan (Elie), the Presbytery Clerk, first raised the case of Robert Kilgour as a separate issue at the Presbytery meeting on 31st August, 1843. William Ferrie (Kilconquhar)¹⁵⁴ opposed any action being taken as, although legal, it was unwise "when public feeling was so much excited, to do what would tend to increase it". Hew Scott (Anstruther Wester) denied this as Presbytery had already done much good by preventing four or five schoolmasters joining the Free Church. Although presbytery agreed to summon Kilgour at each of its meetings it was not until 27th March, 1844 that he appeared before it. On one occasion the Presbytery Clerk had invalidated the summons by dating it on a Sunday. On another the parish beadle of Elie, sent with an official summons, mixed up the documents and left the wrong one with Kilgour. In December, 1843 Kilgour refused to appear unless he was served with a regular libel. Presbytery after consideration agreed that the proceedings had been irregular.¹⁵⁵

When Kilgour compeared before Presbytery in March, 1844 he was accompanied by his lawyer. Presbytery minutes record that he appeared to answer a libel but would not answer questions put to him. In fact Presbytery claimed to be acting on a libel which had not been adopted or served in a proper manner and which it refused to allow Kilgour or his agent to see. It also refused to record the questions put to Kilgour or his answers. Presbytery also declined to say whether it was proceeding under the 1803 Schoolmasters Act¹⁵⁶ or the common law of the Church. Eventually Kilgour and his lawyer left the meeting.¹⁵⁷

154. He had been an ardent non-intrusionist but had decided to remain in the Establishment at the Disruption. However he continued to show opposition to Moderate policies.

155. Fifehire Journal 7th September, 5th October, 1843; St. Andrews Presbytery minutes 27th September, 22nd November, 14th December, 1843; Fife Sentinel 30th November, 1843, 4th January, 1844.

156. 43 Geo. III c.54.

157. Fife Sentinel 4th April, 1844. St. Andrews Presbytery minutes 27th March, 1844.

In May, 1844 Presbytery was served with an interdict banning further proceedings in the case against Kilgour. Anstruther Taylor declared that no civil court had power to interfere with Presbytery¹⁵⁸ and in consequence Presbytery decided to ignore the interdict¹⁵⁹ and to declare Kilgour deposed from office. Five ministers dissented and declared themselves not liable for any legal costs or damages that might be awarded against Presbytery.¹⁶⁰

A further twist to the Kilgour story occurred in August, 1844 when Anstruther Taylor raised the matter of Kilgour continuing as session clerk in Elie. Presbytery agreed that he should be removed from office. George Milligan, (Elie), who had striven to have Kilgour deposed from the parochial schoolmastership, dissented and protested to Synod. Synod upheld the complaint as the sentence was informal but censured both kirk session and Presbytery for not removing him from office earlier. When St. Andrews Presbytery reviewed the case in November, 1844 Kilgour had already resigned his positions as schoolmaster and session clerk.¹⁶¹ He seems to have continued to live in Elie until his death three years later.

Sir David Brewster

The first moves to oust Sir David Brewster were made by the Senate of St. Andrews University in June, 1843. George Buist, the vice-rector¹⁶², wrote on that body's behalf to Lord Melville, Chancellor of the University, expressing the opinion that Brewster ought not to be allowed to remain Principal of United College as he had joined the Free Church and asking for advice. Melville replied he had sent the letter to the Secretary of State (Sir James Graham) as he was unable to

158. This was the exact opposite of his declared views before the Disruption. At this time Taylor seems to have been motivated by an extreme dislike of the Free Church and its adherents and was ready to use any argument, logical or not, if he thought it would advance his cause.

159. There is no mention of it in the presbytery minutes.

160. St. Andrews Presbytery minutes 13th May, 1844. The Witness 18th May, 1844. Fife Sentinel 18th May, 1844.

161. St. Andrews Presbytery minutes 7th August, 27th November, 1844. Synod of Fife minutes 8th October, 1844.

162. He was also Professor of Hebrew and minister of the second charge in St. Andrews Trinity church.

offer an opinion on the legal aspects of the matter. Senate thereupon composed a formal memorial on Brewster and sent it to Melville with the request that he endorse the document before he forwarded it to to the Home Secretary.¹⁶³

St. Andrews Presbytery considered the position of Brewster for the first time at its July, 1843 meeting. It appointed a committee, with Anstruther Taylor as convener, to consult with the staff of United College and the *Senatus Academicus* of the University.¹⁶⁴

The proposed meeting took place a fortnight later. The members unanimously agreed that the Senate "ought in no way to interfere with the proceedings of the Presbytery in this matter..."¹⁶⁵ This minute seems to indicate that the members of Senate had decided to use their positions on Presbytery in the matter and not to become involved as a separate body. One advantage of this course of action would have been to reduce the size of individual contributions to possible legal costs. Another would have been they would avoid any possible accusation that they were arguing the same case from two different courts. Having heard the report of their committee, Presbytery decided that Sir David Brewster should be cited to appear at their next meeting. Naturally, Brewster, a Free Churchman and not subject to the courts of the Established Church, ignored this and all subsequent citations.¹⁶⁶

News of a controversy surrounding such a prominent person as the Principal of the United College could not be overlooked by the national newspapers. "The Scotsman" published a long editorial on the case. This pointed out that the Principal and two professors of Aberdeen

163. Nine members were present at this meeting. Three were ministerial members of St. Andrews Presbytery and another three were elders in the Parish of St. Leonards. St. Andrews University Register of Important Papers pp. 203-11. University Senate minutes 24th June, 8th and 18th July, 1843.

164. Of the sixteen "residuary" ministers in Presbytery at this time two were ill and died within the succeeding five months and four others were professors in the University. In addition George Cook, Professor of Moral Philosophy, frequently attended as an elder. St. Andrews Presbytery minutes 5th July, 1843.

165. University Senate minutes 21st July, 1843. This is the last mention of the Brewster case in the Senate minutes.

166. St. Andrews Presbytery minutes 28th July, 1843.

University had joined the Free Church and that "a considerable number" of professors in Edinburgh and Glasgow were Episcopalians. The editor declared that these men would also have to be deposed if Brewster lost his position. The editor felt there was nothing in the constitution of the University of St. Andrews which rendered adherence to the Established Church more imperative than at other universities.¹⁶⁷

The local Fife newspapers also had comments on the issue. The *Fife Journal* suggested the quickest solution of the problem would be for the university treasurer to refuse to pay Brewster's salary on the grounds that he had disqualified himself from holding office. This action, said the editor, would inevitably lead to a suit in the civil courts which would resolve the matter. The paper also held that the people seeking to oust Brewster were justified as the Free Churchmen were not merely Dissenters "but a body of men bound...to seek the destruction of the Establishment".

The *Fife Herald* prophesied (correctly) the attempt to oust Brewster was impolitic as it was likely to cost the Church the remnants of its control over education. Anstruther Taylor, the paper thought, was motivated by "bigotry and party". It was conceded that the ancient statutes favoured the Moderates but the more recent ones were doubtful. Thus there was a need for a court case to decide whether a signature on the Westminster Confession was enough to comply with the law.

The *Fife Sentinel* hinted that the antagonism to Brewster was not solely due to religious reasons. The paper revealed that Brewster exposed some profitable practices among the other professors of the university.¹⁶⁸

Apart from long and often heated arguments as to the advisability of continuing to cite Sir David Brewster after his non-appearance, Presbytery did not again discuss the case until October, 1843. George Milligan (Elie) forgot to bring the case papers to the

167. The Scotsman 29th July, 1843.

168. *Fife Journal* 17th August and 14th September, 1843. *Fife Herald* 12th October, 1843. *Fife Sentinel* 7th September, 1843. The professors referred to were using endowment funds intended to assist poor students to augment their own salaries.

meeting "which subjected the poor Presbytery Clerk to some rather severe remarks". Nevertheless Presbytery decided to proceed against Brewster by libel and appointed a committee to draw it up. The committee reported three weeks later when Presbytery decided to obtain legal advice to ensure the libel was drawn up correctly. William Ferrie (Kilconquhar) fiercely opposed the libel. At one point in what seems to have been a very acrimonious discussion, Anstruther Taylor threatened to bring a libel against Ferrie himself for asserting that Free Churchmen were good Presbyterians.¹⁶⁹

Presbytery next discussed the case in January, 1844. On that occasion William Ferrie's assertion that Brewster had not been regularly summoned led to "much violent altercation", confusion and uproar. The discussion ended when Ferrie complained to Synod. Presbytery then agreed to petition both Houses of Parliament asserting the legal and constitutional right of the Established Church of Scotland to approve all university appointments and the belief that all university staff must adhere to the Confession of Faith and the Formula of the Church or forfeit their posts. It claimed the Government had the duty under "the Treaty(sic) of Union" to support the Church in this.¹⁷⁰

Until early April, 1844 Presbytery had acted on the assumption that the libel against Brewster which had been drawn up the previous October had been approved by the advocates¹⁷¹ consulted by their committee. A newspaper report of the Presbytery meeting on 27th December, 1843 showed that Anstruther Taylor, James Roger (Dunino) and Hew Scott (Anstruther Wester) had given that impression. They had "insisted their libel had been drawn up and corrected by Messrs Cook and Ingles". This proved not to be the case. The *Fife Sentinel*, in a long article, revealed that legal opinion had been against Presbytery taking any action against Brewster. The lawyers proposed to send

169. St. Andrews Presbytery minutes 4th October, 21st October, 1843; *Fife Sentinel* 5th October, 2nd November, 1843; *Fifeshire Journal* 2nd November, 1843.

170. St. Andrews Presbytery minutes 31st January, 1844. *Fifeshire Journal* 8th February, 1844. *Fife Sentinel* 8th February, 1844.

171. Alexander S. Cook (son of Prof. George Cook) and John Ingles.

each individual member of Presbytery a copy of their opinion unless Anstruther Taylor, the committee convener, laid it before a full meeting of Presbytery.¹⁷² This forced the Presbytery to publish an anonymous pamphlet containing the disputed opinion and the reasons it had not been laid before Presbytery.¹⁷³

In the opinion of Cook and Ingles, Presbytery had the power to excommunicate Brewster¹⁷⁴ but did not have the jurisdiction to deprive him of a university office which had not been conferred through its own patronage. Taylor claimed this had not been laid before Presbytery because it had been unsought and based on a misunderstanding of Presbytery's intentions. A sentence depriving Brewster of office had not been considered but rather one that he was disqualified from holding his office and calling on the University to have him removed.¹⁷⁵

In a letter to John Ingles, Taylor had written - he (Taylor) had re-examined the old Acts of Parliament and remained of the opinion that Ingles and Cook (both Q.C.s) were "unsound in the question of law". This ridiculous statement was endorsed by Presbytery in April, 1844 when John Roger (Dunino) praised Taylor's superior legal knowledge and Principal Haldane claimed Taylor had vindicated himself.¹⁷⁶

William Ferrie's complaint against the way Presbytery was dealing with the affair was rejected by Synod on 9th April, 1844.¹⁷⁷

St. Andrews Presbytery re-opened the case against Brewster at its meeting in May, 1844. After another "long and acrimonious discussion" Presbytery found, by a majority of 6 - 2, their libel against Brewster

172. Fifehire Journal 4th January, 1844; Fife Sentinel 4th and 11th April, 1844.

173. Anon.[Anstruther Taylor], *Jurisdiction of the Church over universities and colleges*, (St. Andrews, The Presbytery of St. Andrews, 1844)

174. This would have been a pointless exercise since Brewster had already repudiated the Established Church.

175. Anon, *Jurisdiction of the Church*, 1844 pp.5-11.

176. Anon, *Jurisdiction of the Church*, 1844 p.37 - letter dated 2nd February, 1844; Fife Sentinel editorial 11th and 25th April, 1844

177. Synod of Fife minutes 9th April, 1844. Ministers and elders from the Presbytery of St. Andrews comprised c25% of the sederunt at this meeting.

was relevant. William Ferrie dissented and complained to the 1844 General Assembly.¹⁷⁸

Assembly passed the complaint to their May Commission which decided:-

"That it seems probable that it may be impossible to arrive at a satisfactory decision, unless the libel, with relevant papers..... be printed for the use of members."

and adjourned the hearing to the August Commission. This meeting referred the case back to General Assembly for judgement.

Assembly effectively ended all further action against Brewster in Church courts. It found:-

"In respect that this case has, in its progress, been irregularly mixed up with a most important constitutional question as to the jurisdiction of the Church....that, while they are fully resolved to assert and maintain unimpaired the jurisdiction of the Church in regard to the Universities, it is inexpedient, in the meantime, to take any further step in this case.....and direct the Presbytery of St. Andrews to suspend meanwhile all proceedings in the cause."¹⁷⁹

From the tone of the final deliverance on the case by General Assembly it is easy to imagine that during the debate some very harsh opinions were expressed by commissioners about the inept and bigoted approach to the matter shown by certain members of the St. Andrews presbytery.

In their eagerness to oust Brewster from his university post and thus score a major point against the Free Church, St. Andrews Presbytery seem to have been blind to all other considerations. It is unlikely that they were incited "by a certain philosophic doctor who counted on filling the expected vacancy in the Principal's chair" as the Fife Sentinel claimed.¹⁸⁰ This charge is almost certainly directed against George Cook as he was Professor of Moral Philosophy at the University and possibly would have been suggested to the Home Secretary by the Senate to fill the vacancy if Brewster had been deposed.¹⁸¹ It is, however, unlikely the charge was justified. Cook, at this

178. The Witness 18th May, 1844; St. Andrews Presbytery minutes, 13th May, 1844.

179. A.G.A. 1844 - abridgement p.48. A.G.A. 1845 - abridgement pp.61, 50.

180. Fife Sentinel 4th April, 1844.

181. The Principalship of the United College was under the patronage of the Crown.

time, was 72 and had been ill with cancer for some years.¹⁸² More importantly he had always been regarded, even by his opponents, as a man of rectitude who was wise and knowledgeable in Church law. He probably would have realised the dangers involved in the course followed by Anstruther Taylor and his friends. Therefore while he would certainly have been ready to give them advice he would probably not have incited them to carry the matter as far as they did particularly as members of both Houses of Parliament had shown from an early stage that they were willing to intervene in the dispute even though the Government showed itself reluctant to act.

The matter was first raised in Parliament by Alexander Bannerman, M.P. for Aberdeen, who asked the Home Secretary if Sir David Brewster could legally continue as Principal of the United College, St. Andrews now he had joined the Free Church. Sir James Graham replied that the matter had been submitted to the Scottish law officers for their opinion.¹⁸³

A month later, in July, 1843, Lord Campbell¹⁸⁴ introduced a bill in the House of Lords to prohibit attempts to oust university and college principals before 1st August, 1844. This was rejected after the Government opposed it as a breach of the Act of Union.¹⁸⁵ Although Lord Campbell failed to achieve his objective he did awaken public interest in the question of university tests. In Scotland opinion was divided on the issue. During its 1844 session 48 petitions on university tests were presented to Parliament. 26 (54%) asked for university tests to be retained and 22 wished them abolished. Most opposition to the tests came from the area later famous as "The Midland Industrial Belt". Ten (45%) of the petitions seeking the abolition of tests came from this area and only three (12%) of those

182. His obituary commented that he had been affected with an organic disease. Dundee Advertiser 16th May, 1845.

183. Hansard 3rd Series vol.70 col.1353.

184. 1st Baron Campbell of St. Andrews. M.P. for Edinburgh 1834-41 and Attorney General 1835-41.

185. Hansard 3rd Series vol.71 col.1 31st July, 1843; col.317-21 7th August, 1843.

supporting tests did so.¹⁸⁶

In 1844 Fox Maule¹⁸⁷ asked the House of Commons for leave to introduce a bill to abolish university tests in Scotland. This was rejected by 128 votes to 101 following Government opposition.¹⁸⁸

The following year the opponents of university tests changed their tactics. Instead of attempting to make all professors exempt from tests the plan now was to grant that privilege only to non-theological professors and principals of colleges and universities. Professors directly involved in the training of future ministers would still be required to take the test. Andrew Rutherford (M.P. for Leith) in seeking leave to bring in the bill claimed over half the *Senatus Academicus* of every university in Scotland supported the abolition of the tests. There was no opposition on this occasion. During the second reading debate Sir James Graham claimed he had taken the opinion of General Assembly and "as far as we have been able to collect it, the opinion of the people of Scotland". On the basis of this he opposed the bill which was rejected by 116 votes to 108. Scottish M.P.s voted nineteen to nine in favour of the bill.¹⁸⁹

Graham was undoubtedly correct to claim the General Assembly opposed the bill. He was almost certainly wrong to claim "the people of Scotland" were also against it. Twenty-three individual committees presented petitions supporting the bill and on eleven occasions "several" similar petitions were presented together. Opposition was shown in twenty-two individual petitions and five batches of "several" petitions seeking retention of the tests.¹⁹⁰

Further Scottish Universities bills with similar objectives were rejected; in 1851 by a majority of one and in 1852 by a majority of

186. Hansard 3rd Series vols.73 - 75.

187. M.P. for Perth and a prominent member of the Free Church.

188. Scottish M.P.s voted 19 - 10 in favour of the motion. Hansard 3rd Series vol.74 col.465-501 30th April, 1844.

189. Hansard 3rd series vol.80 col.11-23, 1st May, 1845; vol.82 col.227-79, 9th July, 1845. col.227-79, 9th July, 1845.

190. Hansard 3rd series, vols.78-82.

fifteen.¹²¹ 1852 also saw a change of government. Lord Aberdeen became the new Tory Prime Minister on 28th December, 1852.

The new government proposed another Scottish Universities Bill which had its first reading on 17th March, 1853. It was not until mid-July that the bill passed its second reading with a majority of 89. Considering the great antagonism shown towards earlier bills it is surprising there was almost no debate on the latest one. It passed rapidly through all its stages and received the Royal Assent on 20th August, 1853.¹²²

Under the provisions of the new Act University professors, except holders of chairs of Theology, were no longer compelled to sign the Confession of Faith or the Formula of the Church of Scotland but were required solemnly to declare before the *Senatus Academicus* of the university that they would not do or say anything to undermine the Established Church.

The Act defined chairs of Theology as those of:-

"Divinity, Church History, Biblical Criticism, and Hebrew, in any of the said Universities or Colleges and the Office of Principal in the same, excepting those of *Marischal College Aberdeen*, or the United College of *St. Leonards and St. Salvators Saint Andrews*".¹²³

The new form of Declaration embodied in the Act was in fact a distinction without much difference. It bound professors not to engage in subversion of the Established Church just as much as the earlier enforced subscription to the Confession of Faith had done. It did, however, prevent Established Church presbyteries from pursuing a local vendetta against university professors who did not adhere to their Church. More importantly it prevented any new attempt by the Presbytery of St. Andrews to oust Sir David Brewster or any of his successors from the Principalship of the United College.

Thus much time, effort and money had been expended in Church courts and in Parliament and a great deal of animosity aroused in an attempt to oust one man from one university position in order assert the

191. Hansard 3rd series, vol.117 col.1229 25th June, 1851.
vol.120 col.1260 28th April, 1852.

192. Hansard 3rd series, vol.125 col.310. vol.129 cols.166-200 14th July, col.129 20th August, 1853.

193. *An act to regulate the admission of professors to the lay chairs in the universities of Scotland*. 16&17 Vic. c.89.

power of the Established Church over all stages of education in Scotland. Its only result was to leave the Church of Scotland legally with less direct control over Scottish universities than it had enjoyed ten years before. The anti-Free Church party within the Presbytery of St. Andrews would have done better to have heeded their lawyers' advice not to persecute Brewster. Under the old system new professors could always have been selected from the membership of the Established Church and Free Churchmen could equally be kept out. The same was not true of the new system.

REDUCED CIVIL ROLE FOR ESTABLISHED CHURCH KIRK SESSIONS

The Disruption of the Church of Scotland in May, 1843 not only ended the Church's dominance of religious life in Scotland¹⁹⁴ but also marked the beginning of the end of its administrative role in the civil life of the country.

The power to control the appointment of all teachers in schools, colleges and universities had been given to the Church by Parliament soon after the Reformation.¹⁹⁵ Some years later the Church was made responsible for poor relief.¹⁹⁶ There is no need here to review the way in which the Church fulfilled these roles since they have been well documented elsewhere.¹⁹⁷

The demographic and economic changes which occurred during the late eighteenth century and the first decades of the nineteenth century made it increasingly difficult for the Church properly to fulfil the civil duties allocated to it in the sixteenth century.

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194. After that event the adherents of the Free, Relief and Secession Churches together outnumbered those of the Established Church by almost two to one. Other non-presbyterian denominations together made up only a very small proportion of the population.
195. Act anent thame that salbe teicheris of the youth in Sculis. 1567 - APS. vol. III p. 24
196. Act For pwnishment of the strang & ydle beggaris & releif of the pure and impotent. 1579 - APS. vol. III pp. 139-42.
197. see, for example, :- Thomas Ferguson, *The Dawn of Scottish Social Welfare*, 1948; Archibald Main, *The Church and Education in the Eighteenth Century*, RSCHS. vol. III, 1939; Stewart Mechie, *The Church and Scottish Social Development 1780-1870*, 1960; James Scotland, *History of Scottish Education*, 1970.

Legislation had removed burgh schools in royal burghs from Church control in 1803.¹⁹⁸ Presbyteries were unable to prevent the opening of adventure schools by anyone who wished to do so or to exercise influence over the rapidly expanding number of charity schools.¹⁹⁹ They did, however, still retain sufficient influence to secure the dismissal of parish schoolmasters who joined the Free Church after the Disruption. However Established Church presbyteries could not hope to obtain oversight of the many schools opened by the Free Church after that event. Thus the Established Church found its influence being effective over a decreasing proportion of the educational field.

In 1853 the Church lost control of staff appointments in higher education and in 1872 the Government placed all elementary schools under the administration of elected school boards to which dissenters of all denominations could be elected.²⁰⁰

The main source of income available to kirk sessions for the relief of poor people was the church door collection taken at the end of the Sunday service. This source declined steadily during the eighteenth century as membership of the Secession and Relief Churches grew. This was at a time when demands on parish poor funds were increasing. Other sources of funds were gifts, legacies and the assessment of heritors.²⁰¹ Even when the latter had been agreed on it was not always possible to collect the assessment. Dundee General Kirk Session had agreed, in 1843, a total levy of £9 000 on the parish but were only able to collect £5 000 of that sum.²⁰²

198. 43 Geo. III c.54 11th June, 1803.

199. For example those provided by the Society for the Propagation of Christian Knowledge.

200. *Act to amend and extend the provisions of the law of Scotland on the subject of education.* 35 & 36 Vic. c.62, 6th August, 1872.

201. Assessment of heritors for the poor fund had been legal since 1649 when Parliament passed an "Act anent the poore". APS vol. VI ii p.220 1st March, 1649

202. Dundee Advertiser 23rd June, 1843.

Some kirk sessions resorted to other methods of augmenting their poor fund. Ferryport-on-Craig Kirk Session decided, in 1832, that bed-ridden poor would only obtain assistance if they made over all their possessions to the poor fund.²⁰³ David Reid, in 1839, conveyed all his property to Kettle Kirk Session in order to obtain parochial aid.²⁰⁴

Despite these novel methods of raising money it had become apparent, by 1840, that the old poor law was inadequate to cope with the then existing conditions. The Disruption merely aggravated the situation by removing many generous contributors to the poor fund from the Established Church.

The Government reacted to the need to improve poor relief by enacting a new Poor Law for Scotland in 1845.²⁰⁵ This Act placed the administration of poor funds with elected parochial boards which had powers to levy poor rates on all householders in a parish. Although officially the Church was no longer involved, kirk sessions continued to exert their influence at a local level. Cupar Kirk Session elected the two ministers and four elders ("the first six members of Session not already members of the Board") as members of the Parochial Board in 1846. Similarly the kirk session of Anstruther Easter nominated themselves and the minister to serve on the board there.²⁰⁶

The Disruption cannot, by itself, be said to have been the cause of the Established Church losing its central place in the local administration of civil affairs. The break up of the Church's influence occurred at a time when wider social and economic factors were beginning to force a change in local government and may well have been a factor in the gradual move to a more democratic and widely based local administration.

203. Ferryport-on-Craig Kirk Session minutes 10th April, 1832.

204. Kettle Kirk Session minutes 1st September, 1839.

205. *An act for the amendment and better administration of the laws relating to the relief of the poor in Scotland.*
8 & 9 Vic. c.83, 4th August, 1845.

206. Cupar Kirk Session minutes 26th January, 1846. Anstruther Easter Kirk Session minutes 24th April, 1846.

THE ESTABLISHED CHURCH AFTER 1850

For the Established Church the period 1843 - 1850 was a time of recuperation and consolidation before the later recovery of much of its earlier vigour. The period can be likened to the day or two a patient, who has undergone a serious operation, needs to revive from the shock of surgery before beginning to make a full recovery.

During the period of consolidation some of the older leaders of the Moderate party either died or became less influential while new, younger and more vigorous leaders came to the fore. Much time, money and energy was spent on trying to retain buildings erected under the Church Extension Scheme formerly led by Thomas Chalmers. But it was not until 1847, when James Robertson became convener of the Assembly Committee concerned, that any real effort was made to implement the provisions of the Division of Parishes Act.²⁰⁷

From about this time new life seems to have appeared within the Established Church. Membership began to grow again. It is claimed that the Church had c565 000 members in 1885 while the Free Church had c330 000.²⁰⁸ The 1851 Religious Census had shown c316 000 attenders at Established Church services and c390 000 at Free Church services.²⁰⁹ None of these figures can be taken as strictly accurate but they can be taken as indicative of a great change in the relative membership of the two churches. One factor in this was undoubtedly the abolition, by a Tory Government, of lay patronage in the Established Church in 1874.²¹⁰

Absence of lay patronage had been one of the major attractions of the Free Church in 1843 which had to some extent been offset by the need for members to contribute to ministerial stipends and the upkeep of church buildings. The ending of patronage in the Established Church meant that members had a free choice of minister without the need

207. 7&8 Vic. c.44 19th July, 1844.

208. Reid, *Kirk and Nation*, 1960, p.146.
However Reid does not cite sources for these figures.

209. See Chap.6 p.197. It is not possible to make similar comparisons for the study presbyteries due the lack of communion rolls for the appropriate dates.

210. 37 & 38 Vic. c.82, 7th August, 1874.

to make large financial contributions for the privilege. Financial savings of this kind may have influenced some, especially the younger and less affluent people, to become members of the Established Church.

Differences in theological stance may also have been an influence. The Established Church was less strictly Calvinist than the Free Church and therefore might have become more attractive to the rising generation..

It was not only in increased general membership that the Established Church showed its new vigour. Elders became easier to find, church buildings were re-built or improved and new attempts were made to widen missionary work at home and overseas.

While the Disruption had delivered a severe shock to the Established Church in Scotland and to the Government in London, the process of recovery had begun fairly rapidly. Within a few days steps had been taken by the General Assembly to ensure that vacancies caused by the secession of parish ministers were filled quickly. There had been twenty-four such vacancies in the study presbyteries. Of these thirteen (54%) were filled within five months. Five of these charges had become vacant again within a year, due to the death or translation of the new minister.

Elders had proved much more difficult to replace than parish ministers. In some parishes more than seven years had elapsed before suitable new elders could be ordained. In other parishes ministers had not had to wait so long before augmenting their sessions. Nevertheless it had not been uncommon for ministerial requests to men to join a kirk session to be met with rebuff.

Within fourteen months of the Disruption the Government had enabled Church courts to refuse to induct presentees without fear of involvement with the civil courts. The Church had been enabled also, under certain strict conditions, to erect *quoad sacra* parishes when and where it wished. The new Poor Law, by removing their main civil function from kirk sessions, had also prevented parish heritors from making any claims to the church door collections of *quoad sacra*

churches in their parish.²¹¹

By 1850, therefore, the Established Church had almost fully recovered from the trauma of Disruption. With new, vigorous men able to exert considerable influence in its courts, the Church was beginning to resume a prominent position in the religious life of Scotland. Although it was not to become dominant again until 1929 nevertheless it was never the "residuary" nonentity that the Free Church had apparently hoped it would become.

211. Many heritors felt that church door collections at *quoad sacra* churches should be added to the parish poor fund in the same way as collections at the parish church. The effect of this would have been to reduce demands on heritors' incomes to augment the poor fund.
See Chap.3 p.61

CHAPTER 6

THE EXPANSION OF THE FREE CHURCH OF SCOTLAND 1843-50

The careful planning and activities of the Convocation and its committees meant that when the first Assembly of the Free Church convened, the organisation of the new church was well advanced. Nevertheless there were still many problems to be faced; problems of man-power, continuing finance and providing the necessary buildings.

The problem of man-power resolved itself into three sections. Were there enough ministers to supply all the congregations who wished to have their own minister? Were there enough elders and lay members to support the ministers in their ministries? Were there enough members able and willing to provide the money needed for the expansion of the Church into every parish?

There are doubts about the exact number of ministers who joined the Free Church. 130 ministers and 76 elders signed Dr. Welsh's protest and left the Established Church in his wake on 18th May, 1843. Pitcairn et al. also claimed that during the following two days the number of ministers signing the Act of Separation and Deed of Demission had risen to 458.¹ McCosh put the total at 454 ministers and 192 probationers² while Thomas Brown listed a total of 481 ministers who "left the Scottish Establishment in 1843".³ Of these figures those of McCosh are likely to be the most correct since, at least for the three study presbyteries, they agree with the entries in the Church of Scotland *Fasti*.⁴ George Robertson suggests a possible reason for the discrepancies between these figures. He claims that some ministers delayed their departure from the Church of Scotland for a variety of reasons; to ensure there was a meeting place to hold their services, or to ensure they had somewhere to live or to conduct a last

1. Thomas Pitcairn, Patrick Clason and John Jeffrey, *The affectionate representation of ministers and elders lately connected with the Established Church* (Edinburgh, n.p., 1843)
2. McCosh, *The wheat and the chaff*, 1843. This presented a presbytery by presbytery analysis of the names of ministers joining the Free Church and remaining with the Established Church. It also gave thumb-nail sketches of those ministers who had supported the non-intrusionist movement but did not leave the Establishment.
3. Thomas Brown, *Annals*, 1893. pp.797-812
4. *Fasti*. vol.5.

communion in their old church. It was for this last reason that George Brown, minister of New Byth in the Presbytery of Turriff for twenty-six years, did not join the Free Church until early July, 1843.⁵

The inclusion of probationers by McCosh is particularly important since these men were already licenced preachers of the Gospel and could be ordained as soon as congregations called them. Thus it would not be erroneous to say that in fact c650 ministers joined the Free Church in 1843, if probationers are included. Such was the overall picture for the whole of Scotland.

Unfortunately for the new church the support it received was not evenly spread. Within the bounds of the Synod of Ross 76% of ministers joined the Free Church while only 19% of ministers within the Synod of Dumfries did so.⁶ This point is well illustrated by Table 6.1 which shows the number of ministers joining the Free Church and the number of Free Church congregations in each of the study presbyteries. By 1848 the number of ordained Free Church ministers in pastoral charges had risen to 700.⁷

TABLE 6.1

NUMBER OF MINISTERS JOINING THE FREE CHURCH AND THE NUMBER OF FREE CHURCH CONGREGATIONS IN THE THREE STUDY PRESBYTERIES

Presbytery	Total number of Ministers	Ministers joining Free Church		Free Church Congregations	
		No.	%	No.	% parishes
Cupar	22	9	40.9	12	60.0
Dundee	28	16	57.1	20	71.4
St. Andrews	22	5	22.7	8	36.4
National	1195	454	37.9		

Source. McCosh, *The wheat and the chaff*, 1843

Estimating the number of elders throughout Scotland who seceded to the Free Church is much more difficult. It appears that the only reasonably authentic national figure available is that of the 76 elders

5. George Booth Robertson, *Spiritual awakening in the north east of Scotland and the disruption of the Church in 1843.*, Ph.D. Thesis in the University of Aberdeen, 1970. pp.438-9.

6. McCosh, *The wheat and the chaff*. p.12.

7. Buchanan, *Ten years conflict*, 1852. p.468

who signed 'The Protest' made on 18th May, 1843.⁸ The only other source of numbers is the minute books of individual kirk sessions. Established kirk sessions do not always mention the Disruption in their minutes even if their minister and some members of the kirk session seceded to the Free Church and thus contain no record of the number of elders who joined the Free Church. This problem is not eased by the fact that some ministers appear to have run their parishes without the aid of ruling elders. Even as late as 1850 six parishes within the bounds of the Presbytery of Cupar had no ruling elders whatever and two other parishes had only one.⁹ Thus eight out of nineteen parishes had no effective kirk sessions. The whole question of elders who joined the Free Church or remained in the Established Church is fully discussed in Chapter 8.

Assessing the number of lay people joining the Free Church is extremely difficult although various estimates have been made. Reid writing in 1960 claims that the Free Church had c.250 000 members in 1847.¹⁰ Also in 1960 Burleigh estimated that the Established Church lost about a third of its membership of all classes.¹¹ Stewart Brown, twenty years later, assumed that 40% of lay members left the Establishment.¹² These figures must be regarded as extremely doubtful especially as these writers do not give the sources of their "guesstimates".

There appear to be only three sources from which national membership figures could be calculated - local church records, the Religious census of 1851 and the membership figures cited in Ewing's *Annals of the Free Church* (1913). Each of these sources has its faults not only as a source of information on numbers of laity joining the Free Church in 1843 but also inherently.

8. Pitcairn et.al., *Affectionate representation*, 1843.

9. Cupar Presbytery minutes 26th March, 1850.

10. Reid, *Kirk and nation*, 1960. p.143.

11. Burleigh, *Church History*, 1960. pp.352, 373.

12. Stewart Brown, *Thomas Chalmers*, 1982. p.336

Individual kirk session records rarely give numbers of members or communicants in 1843-4. Kirk session minutes reveal frequent revisions of communion rolls without giving details and the rolls themselves seem seldom to have survived. Among those that are still extant are Dundee Free Hilltown with 488 members in 1843¹³ and Dundee Free St. Peter's with 1 000+ in 1844.¹⁴ These figures do not help in ascertaining the proportion of seceders as they provide no indication of congregational size in these areas before the Disruption.

Cupar Parish Session, after 1841, recorded the number of tables at each communion in both the Parish and St. Michael's Churches (see Table 6.2 p.165). The drop in the number of tables at communion services after the Disruption gives some indication of the size of the secession in the parish. This was c.30% in the Old Church and c.20% in St. Michael's. This differential illustrates, in part, the influence some ministers were able to exert over their congregations. Adam Cairns, the minister who usually officiated in the Old Church, seceded while James Cochrane at St. Michael's did not. From 1845 the Kirk Session began recording the actual number of communicants at each table. On average each table at the Old Church represents one hundred communicants whilst a table at St. Michael's represents fifty.¹⁵ Thus over 400 parishioners appear to have joined the Free Church from a congregation of more than a thousand. This estimate of the pre-Disruption roll seems reasonably accurate since there was a authenticated roll of over 500 male heads of family at the time of the call to James Cochrane in 1842.¹⁶ These figures agree more with the estimate made by Stewart Brown than with that made by Burleigh but the events in one congregation cannot be assumed to be representative of the Church as a whole.

Figures relating to four other parishes reveal there was wide differences in the rate of secession between individual parishes. Anstruther Easter Kirk Session recorded the number of communicants at

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- 13. Dundee Free Hilltown Kirk Session minutes 12th July, 1843.
 - 14. Dundee Free St. Peter's Kirk Session minutes 4th March, 1844.
 - 15. Cupar Parish Kirk Session minutes 1845 - 50.
 - 16. The Witness 16th April, 1842,

TABLE 6.2

NUMBER OF TABLES AT PARISH COMMUNIONS HELD IN CUPAR OLD
AND CUPAR ST. MICHAEL'S CHURCHES 1842-44

Date of Communion	Number of Tables	
	Old	St. Michael's
July 1842	9	7
December, 1842	7	7
July, 1843	6	6
December, 1843	5	5
July, 1844	7	6
November, 1844	5	5

Source:- Cupar Parish Kirk Session minutes

most communion services between May, 1839 and November, 1845. Eight services before the Disruption had attendances ranging from 298 to 390 with an average of 341. There is no record of a communion service in November, 1843. This omission may have been due to there being insufficient time for the new minister to make the arrangements. The attendances at communions during the next two years averaged 166. Thus there seems to have been a drop in the average attendance of 175 which would indicate that 51% of the congregation seceded. In fact the parish communion roll indicates a drop of only 43%. The discrepancy could have been due to people from neighbouring parishes taking communion or, since the *Sentinel* supported the Free Church, to faulty reporting.

A newspaper report indicates that the greatest number attending communion services in the Parish of Largo before the Disruption had been 534. The report also stated that there had been 311 communicants at the Free Church service in the parish at the July, 1843 celebration and that 58 more people had joined that Church shortly afterwards. This seems to denote a secession by 58% of the parishioners.¹⁷

Dundee St. David's Kirk Session recorded 1 120 communicants a fortnight before the Disruption in May, 1843. In the October of that year the Free Church in the parish was claiming a communion roll of

17. The *Sentinel* 28th March, 1844. Anstruther Easter Parish communion roll, 1843.

nearly 700, showing that approximately 60% of the congregation had seceded.¹⁸

Monifieth Kirk Session distributed 490 communion tokens in July, 1842 but only 300 in June, 1844 (there is no record for 1843). Thus 39% of the membership seem to have joined the Free Church. In this parish the minister seceded but none of the elders joined him.¹⁹

The average rate of secession from the five parishes, for which comparative figures are available, was 46%. This rate is slightly higher than the 33% estimated by Burleigh in 1960 and the 40% estimated by Stewart Brown in 1982. Although it is not possible to arrive at a statistically reliable figure with any degree of confidence from such a small sample as five parishes it does appear likely that more than 40% of the communicants of the Established Church did in fact join the Free Church during 1843.

The faults with the 1851 Religious Census in Scotland have been widely discussed.²⁰ These include the fact that the census was voluntary and many ministers made no returns. Such returns as were made were almost certainly subjected to at least rounding up. There is evidence of this in the number of instances where attendances were stated in exact tens or hundreds since it is most unlikely that many congregations consisted of precisely e.g., 110 or 200 persons. Furthermore attendance figures for each diet of worship are given with no indication of how many people were present at more than one service on census day. Thus it is not possible to arrive at probable membership figures.

The major fault with the Scottish census is that the returns from individual churches were lost many years ago.²¹ The summary tables derived from the missing returns by individual congregations are

18. Dundee St.Davids Kirk Session minutes 8th May, 1843.
Dundee St.Davids Free Kirk Session minutes 4th October, 1843.

19. Monifieth Kirk Session minutes.

20. e.g., Andrew L. Drummond and James Bulloch, *The Church in Victorian Scotland*, (Edinburgh, St.Andrew Press, 1975). pp.110-3

21. David J.Brown, Historical Search Room, Scottish Record Office.

easily available and those relevant to this study are given in Table 6.3

These tables show that in eight years the Free Church had achieved near parity with the Established Church in numbers of places of worship although they were, in general, slightly smaller. The average Established church had 586 seats and the average Free church had 512. It would appear that Free Church members were the better church-goers, especially to afternoon and evening services. Some of this increased attendance was undoubtedly due to the appearance in church of domestic and other servants whose work had prevented attendance in the morning. Despite a common modern belief to the contrary, much of the extra attendance was probably due to the number of working class members and attenders rising late on Sundays and going to church later in the day. This phenomenon was much more evident in

TABLE 6.3

COMPARISON OF THE ESTABLISHED AND FREE CHURCHES-
ACCOMMODATION AND ATTENDANCE 30/3/1851

	Estab.	Free	% Free of Estab.
WHOLE OF SCOTLAND			
places of worship	904	824	91.2
sittings (000s)	530	422	79.6
attendances (000s)			
morning	229	255	111.4
afternoon	120	174	145.0
evening	20	57	285.0
PARISH OF CUPAR			
places of worship	3	1	33.3
sittings	3 300	1050	31.8
attendances			
morning	1 300	850	65.4
afternoon	1 450	950	65.5
evening	70	-	-
PARISH OF DUNDEE			
places of worship	11	12	109.1
sittings	8 884	11 518	129.6
attendances			
morning	5 603	6 455	115.2
afternoon	6 334	7 452	117.7
evening	700	1 400	200.0
PARISH OF ST. ANDREWS			
places of worship	6	2	33.3
sittings	1 456	1 144	78.6
attendances			
morning	2 085	766	36.7
afternoon	1 696	833	49.1
evening	350	-	-

Source:- Religious Census 1851 - Tables and Report - Tables A, B and C
Percentages personal calculations

Dundee where there were many more industrial wage earning Free Church members than in the other parishes represented in Table 6.3. There is further support for this contention in that Thomas Dodds, Dundee Free Lochee, instituted evening services in 1847 for the benefit of working people in his area.²²

Although the original congregational census returns have been lost many of them were published in local newspapers shortly after the census date.²³ These were collected by James Dawson and published in his *Statistical History of Scotland* in 1855.²⁴

Ewing presents an entirely different set of data in that he gives membership numbers for 1848. It is unlikely that his data was markedly wrong as it was based on contemporary official Free Church figures.²⁵

Whatever may be the basic faults with the census data and, hence, with those of Dawson they do not seem to apply to the three study presbyteries. Both Dawson and Ewing supply data for twenty-four of the Free Church congregations included in Table 6.4. These twenty-four sets of data correlate very highly using Pearson's product-moment coefficient of correlation²⁶ which gives a coefficient of 0.942 which is significant at well above the 0.001 level.²⁷ Thus the census data can be used in this study with as much confidence as can normally be given to historical data. It would, however, be rash to assume that these remarks can be applied to data from other areas or

22. Dundee Free Presbytery minutes 6th October, 1847.

23. Drummond and Bulloch, *The church in Victorian Scotland*, (1975), p.111.

24. James Hooper Dawson, *The abridged statistical history of Scotland*, (Edinburgh, W.H.Lizars, new issue, 1855)

25. William Ewing, *Annals of the Free Church of Scotland*, (Edinburgh, T & T Clark, 1914, 2 vols) (hereafter, Ewing, FC Annals) vol. II

26. For an explanation of this technique see e.g. Roderick Floud, *An introduction to quantitative methods for historians*, (London, Methuen, 1979), pp.138-42

27. Significance at this level means that the "odds" of the degree of correspondence shown by these two sets of data occurring purely by chance are well over 1 000 to 1. For a fuller explanation of statistical significance see e.g., Anthony Haber and Richard P. Runyon, *General Statistics*, (London, Addison-Wesley, 2nd edn. 1973), pp.208-10.

other denominations without verification.

One aspect of the Disruption which is clear from this section of the study is that there is a great need for more extensive research into the number of lay people who joined the Free Church in 1843. George Robertson makes the same point in his study of the north-east of Scotland and, in particular, makes several assertions which require verification. He claims that in parishes with an active, assiduous Evangelical minister during the period immediately preceding the Disruption, large numbers of members would join the Free Church. He also suggests that an Evangelical laird in a parish was able to exert great influence for the Free Church and that a combination of Evangelical laird and minister was usually irresistible, although the reverse was also true. Finally he holds that elders were more likely to follow their minister's lead than was the rest of the congregation.²⁸

The only one of Robertson's assertions which seems to be fully substantiated by the present study is that relating to elders. The reason for elders following their minister appears to have been the fact that ministers were able to select their own elders.²⁹ This study provides some support for Robertson's other points but there is insufficient hard evidence for a definite statement to be made. Doubt must remain on these aspects until enough comparable Established and Free Church communion rolls relating to the period of the Disruption have been examined in detail and analysed.

The number of local congregations in which Free Church members worshipped expanded very slowly after 1843. Table 6.4 (p.170) shows those congregations founded within the study area between 1844 and 1900 when the Free Church amalgamated with the United Presbyterian Church to become the United Free Church. To some extent this slow expansion was due to the pre-Disruption success in founding potential congregations. Chalmers, in a report to the first Free Assembly, said that 687 local associations in support of the Free Church had been

28. George Booth Robertson, *Spiritual awakening*, 1970. pp.454-5.

29. chap.8 pp.226-29.

formed.³⁰ This was an increase of 282 (70%) in the month before the new church had been constituted.

TABLE 6.4
FREE CHURCH CONGREGATIONS FOUNDED 1844-1900

Congregation	Founded	Membership
FREE PRESBYTERY OF CUPAR		
Strathmiglo North	1877	131
FREE PRESBYTERY OF DUNDEE		
Dundee		
St. Enoch's	1874	
Wellgate	1850	266 in 1866
Chalmers	1852	150 in 1859
Broughty Ferry East	1861	205 in 1866
FREE PRESBYTERY OF ST. ANDREW'S		
Carnbee	1844	74 in 1855
St. Monan's	1878	82 in 1900
Wormit	1890s	opened 1900 as U.F. church
Source:- Ewing, <i>F.C. annals</i> , (Edinburgh, 1914)		

Each of these associations was a potential congregation which would require a minister. As only 454 ministers left the Establishment for the Free Church there was obviously a serious shortage of ordained ministers. Act XIX of the first Free Assembly put the shortage at 285 ministers with an immediate need for 201. Figures for the Synod of Fife were 27 and 15 while those for the Synod of Angus and Mearns were 27 and 20. Within the study area the Free Presbytery of Cupar required 4 ministers, Dundee needed 6 and St. Andrew's were short of 3.³¹

The 192 probationers who adhered to the Free church went a long way towards filling the immediate need for ministers. The remaining congregations had to make do with preachers i.e., licentiates,

30. The "Witness" 1st June, 1843

31. Acts of General Assembly of the Free Church of Scotland (hereafter AGAFCS) May, 1843. p.41

students, catechists³² and itinerant ministers.³³

The Assembly set up a Special Commission to control the use of available ministers and preachers. This commission was quite firm in their decisions and seem only to have allowed ordained ministers to be called by congregations able to give at least half the stipend to the Sustentation Fund.

An example of the working of the Special Commission can be found with the congregation at Abernyste within the bounds of the Free Presbytery of Dundee. In July, 1843 the congregation consisted of c80 communicants and c350 attenders. It contributed £62 p.a. to the Sustentation Fund and £51 to the Building Fund and wanted to call a minister. Instead the Commission allowed them a preacher who, three months later, was moved to a larger congregation on the grounds that Abernyste was too small for a full time minister. The Presbytery after an enquiry decided that the congregation was in a state which warranted a full time minister and asked the Commission for permission to call one but without success. In April, 1845 the Presbytery tried again. On this occasion the Commission agreed to make Abernyste a pastoral charge provided that it was united with the parish of Rait which was within the bounds of the Free Presbytery of Perth. Nevertheless no minister could be called until the congregation raised more than £80 p.a. for the Sustentation Fund. Three years later the Presbytery tried to get the latter condition changed but again without success. It was late in 1850 before a minister was ordained to the pastoral care of the congregation.³⁴

Another reason for the slow expansion of congregations of the Free Church within the bounds of the three study presbyteries may be attributed to the care taken in siting the churches of the original congregations. Cunningham claimed that "the Seceders" (Free Church) insisted on building their new churches within yards of the old parish

32. Defined in Act XIX as ordained elders, pious teachers of youth and students of Divinity of full age.

33. AGAFCS. May, 1843 p.44

34. Dundee Free Presbytery Minutes 6th July, 1th November, and 28th December, 1843; 2nd April, and 11th June, 1845; 10th May and 14th June, 1848; Ewing, *FC Annals*, (1914), vol.II p.158:

church.³⁵ While this may have been true in cities and some large towns, other than Dundee, it was not generally true in the three study presbyteries where little attention seems to have been paid to the site of the Established Church. The Free churches in rural areas were placed where they could reach most people. Where possible new churches were sited to serve at least two civil parishes and often more. In pursuit of this aim the Free Church members in the village of Pitlessie argued with Cupar Free Presbytery, which wished to erect a church in their village, that it should be built in Balmalcolm almost two miles away. They said that the new site would be more convenient for Free Church members in Kettle and would not be farther to go than to the parish church.

It must be remembered that country people of the period thought little of walking three miles or more to attend church, political meetings and the like. Taking three miles as a reasonable radius the Free church at Creich could provide a place of worship for people living in at least parts of the civil parishes of Creich, Flisk, Dunbog, Moonzie, Kilmany and Balmerino. This area over-lapped with the areas covered by Free churches at Logie and Gauldry, Cupar, Monimail and Newburgh and Abdie. These in turn over-lapped with others so that few people, in north-east Fife, who wished to join the Free Church were too far from a place of worship to do so.³⁶

James Laird asserts:- "...a strong sense of loyalty to a congregation rather than to a denomination seems to have been a feature of the time".³⁷ This statement is difficult to understand or to prove especially as there was usually only one congregation of a particular denomination in any one parish.

Laird does show that most people living near Gateside in 1835 attended the United Secession church in the village while few people from that area attended the parish church three miles away in Strathmiglo. However this fact is not enough to substantiate the

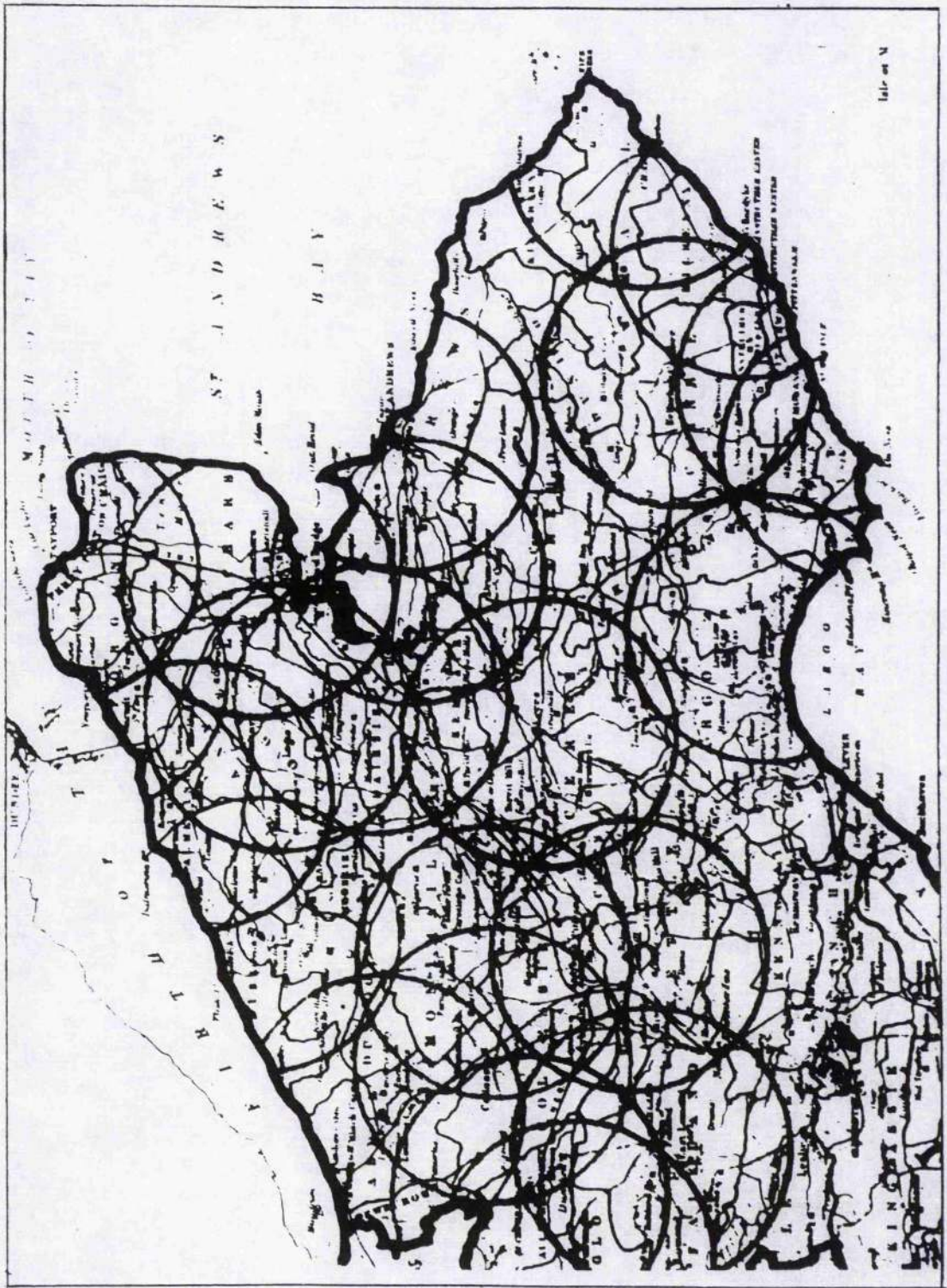
35. John Cunningham, *The church history of Scotland*, (Edinburgh, James Thin, 2nd ed., 1882) p.538

36. Fig. 6.1. p.173

37. J.Laird, *Religion and life*, (1977) II(b) p.9.

FIG. 6.1

MAP OF THE FREE PRESBYTERIES OF CUPAR AND ST. ANDREWS
SHOWING THE AREA WITHIN A THREE MILE RADIUS OF EACH CONGREGATION



generalised statement quoted above. There can be little doubt that the same could be shown of most congregations at any time, both before and since 1835. It would seem that the only way that Laird could have justified his statement was to have shown that it was customary, at least within his study area, for people, who removed to a distance from a congregation previously attended, to continue to attend that congregation rather than join another congregation of the same or another denomination nearer their new home. Given the paucity of exact information of congregational membership during the period 1830-1850 (the period of the present study) such proof is almost impossible to obtain.

Without money it would not have been possible to have created a Free Church at all. Ways of raising finance were very properly a matter which concerned the members of the Convocation which met in Edinburgh in 1842. They had set up two national funds by which it was intended that richer groups of adherents would render financial help to poorer ones. These were a Sustentation Fund for the maintenance of a ministry³⁸ and a Building Fund for the provision of churches and mansees. Somewhat naturally in a gathering of ministers the former fund was considered the more important.

At Chalmers' suggestion it had been agreed to adopt the methods of collecting money he had devised for his Church Extension schemes in the late 1830s. Local associations were formed which gathered as much money for the Sustentation Fund as possible each year. It was intended that at the end of every year all ministers would receive an equal share of the total raised irrespective of how much his congregation had contributed. Voluntary workers made weekly collections of amounts from one penny upwards. Not all collectors were convinced of the need for such frequent collections. Most of them were middle class ladies with no idea of the sacrifice a contribution of a penny a week meant to a poor family. Some seem to

38. The final regulations for its working were agreed by the second General Assembly of the Free Church. AGAFCS, October, 1843. pp. 21-22. This fund is still the basis of ministerial stipends in the Church of Scotland to this day.

have thought that if a family could manage to give a penny a week it could equally manage to give a shilling a quarter and so they would have to devote less time to collecting. Hence many contributions were lost.³⁹ There can be little doubt of this difficulty since the central committee felt it necessary to publish advice to collectors. As has been seen (Chap.4 p.101) most of circular No. 9 of the Friends of the Church of Scotland (14th April, 1843) was devoted to this subject and, among other matters, it stressed that a collection should be made every week. That such advice was needed suggests that most collectors were middle class. It is more than likely that most of them were women since they would have the time and skills needed for the task.

During the first year of its operation £363 871/17/4½ was raised - including £61 513/6/10½ for the Sustentation Fund and £227 836/19/4 for the Building Fund.⁴⁰ This remarkable achievement, representing over £20 000 000 at today's values, would have been impossible without the wealth created by the Industrial Revolution. Many members of the new middle class, the owners of this wealth, joined the Free Church and were willing to expend some of their wealth on the new church. During one week in early March, 1843 contributions were promised (among many others from the study area) from P.Scott, a lawyer, of £300 with an annual subscription of £30, D.Martin, merchant, a subscription of £50, William Ferguson promised £60 and £20 annually and the wife of David Jobson, a baker, offered £200 and £50 a year.⁴¹

While acknowledging the important role played by the middle classes, the contributions of the labouring classes must not be forgotten. While few working people were able or willing to emulate the woman from the Parish of Newburgh who gave her life savings of £20 earned by winding pirns to the Sustentation Fund⁴², collectively their

39. Hugh Watt, *Thomas Chalmers and the disruption*, (Edinburgh, Nelson, 1943) p.321.

40. T.Brown, *Annals*, 1893. p.816

41. Friends of the Church of Scotland circular No.4, 10th March, 1843.

42. T.Brown, *Annals*, 1893. p.171. Pirns were bobbins used by weavers

contributions were probably as great as those of the middle class in relation to their financial resources.

Over the years the contributions to the Sustentation Fund increased (reaching £96 846/9/5 in 1850/51) while those to the Building Fund decreased (£76 950/11/7 in 1850/51). Overall giving fell from its initial level, largely due to the decrease in the need for buildings. It remained at about £300 000 p.a. for some years before beginning to rise steadily to over £500 000 p.a. in the mid 1870s.⁴³

A major problem facing the Free Church was that of finding sites for churches and manse especially in rural areas. Many landowners refused sites and/or materials. The Duke of Buccleuch refused sites even for tents. In the Parish of Canonbie in Dumfriesshire, of which the Duke was patron, services had to be held on the road verges from May, 1843 until July, 1844 when the temporary use of a gravel pit was granted for a communion service.⁴⁴ The Free Church in Ardnamurchan was a specially built floating structure anchored off shore in Loch Sunart which remained in use until 1873.⁴⁵ The MacLeod of MacLeod not only refused a site for a Free church on the Isle of Skye but also obtained a Court of Session interdict banning the Free Church minister from preaching anywhere in the district.⁴⁶ The *Fife Journal* fully supported landowners who refused sites for Free churches. At first it declared such action was justified as the Free Church intended to "destroy the Establishment". Later the editor had no doubts of "the legality of landlord's refusal of land" for the new church.⁴⁷

Before long it became clear that without government action some parishes would never get a Free Church. This was especially so in parishes where there was a single landowner, such as Lord Panmure in

43. T. Brown, *Annals*, 1893. p.816

44. T. Brown, *Annals*, 1893. pp.430-6

45. Lionel A. Ritchie, The floating church of Loch Sunart, *RSCHS*, vol.22, part 2, 1985. pp.159-73.

46. *Fife Sentinel* 20th July, 1843.

47. *Fife Journal* 14th September and 9th November, 1843.

the Parish of Monikie (Presbytery of Dundee), who was violently opposed to the Free Church. Panmure resolutely refused to grant a site to the new church on any terms. He was not without support in his stance against the Free Church as an editorial in a local newspaper shows. A fortnight later, in August, 1844, the same newspaper claimed that Panmure had offered sites which had all been refused and that reports of persecution by Panmure were made solely for the purpose of raising funds.⁴⁸ It was not until his son⁴⁹ succeeded to the title in 1852 that a Free church could be built.⁵⁰

The question of sites for Free churches was first raised in the House of Commons on 19th May, 1846 when Fox Maule, Secretary of State for and at War, was given leave to introduce a bill which would enable any congregation of any religious denomination in Scotland to purchase land for a church, manse and burial ground. This bill was withdrawn during the second reading debate following opposition from Sir John Graham, Home Secretary, who claimed that such a bill would lead to chaos and religious strife. However, Fox Maule was able to claim that the publicity surrounding the bill had had a beneficial effect as after it had been introduced "two noble landowners had granted sites for churches".⁵¹

The House of Commons was at last prevailed upon to investigate the problem on 2nd March, 1847 when E.P. Bouverie, M.P. for Kilmarnock, successfully moved:

"That a Select Committee be appointed to inquire whether, and in what part of Scotland, and under what circumstances, large numbers of Her Majesty's subjects have been deprived of the means of religious worship by the refusal of certain proprietors to grant them sites for the erection of churches."

The appointment of a Select Committee was opposed by Sir James Graham, who, while regretting that some landowners were refusing to sell sites for churches to the Free Church, considered the matter "better adapted

48. Dundee Advertiser, 26th July and 9th August, 1844.

49. Fox Maule a former M.P. and ardent non-intrusionist and Free Church supporter.

50. T. Brown, *Annals*, 1893. p.216

51. Hansard, 3rd series, vol.86. col.872-4, 19th May, and col.912, 20th May, 1846. vol.87. col.207-28, 10th June, and col.1036-7 26th, June, 1846.

for settlement by direct legislative interference than by an enquiry before a committee of this House". This seems to be a typical politician's stance given the fact he had opposed such legislative action the previous year.⁵²

When the committee met, opponents, including Sir John Graham, did their best to discredit the Free Church. In their evidence much stress was laid on three points: the Free Church had no real grounds for its stance since the Disruption had been due to some obscure ecclesiastical opinion of no practical importance; the new church was avowedly hostile to the Established Church; the severity of the language used by Free Churchmen.⁵³ The latter two points would today be considered trivial. Any breakaway section of an organisation is almost certain to be hostile to the remnant of the original one or there would be no need for the secession. Severity of language is a *sine qua non* of discussions between disputing factions. The first point was without doubt of immense importance to the nascent Free Church. Ministers and laymen had sacrificed a great deal because they believed the principles at issue were anything but "some obscure ecclesiastical opinion". The fact that the English politicians had allowed the Disruption of the Church of Scotland to take place showed that they too, despite their public utterances to the contrary, believed the principles involved to be important.

It has been said that when the Committee Report was finally published it was so favourable to the Free Church case that most landowners agreed to provide sites for churches and so relieved the Government of the need for legislation.⁵⁴ This statement by Hugh Watt can be only partly correct. A new "Bill to enable Religious Congregations in Scotland to obtain Sites for Places of Worship" was given its first reading in the House of Commons on 18th April, 1848. Sir James Graham was absent from the second reading debate when E.P.Bouverie successfully persuaded the House to agree to his bill by 80 votes to 25. Graham was, however, strongly opposed to the bill.

52. Hansard, 3rd series, vol.90 col.679-707, 2nd March, 1847.

53. T.Brown, *Annals*, 1893. pp.428-30.

54. Watt, *Thomas Chalmers*, 1943. pp.326-30

He argued that, "If the principle [to allow any congregation to compulsorily purchase three acres of land] be really sound" it ought to apply to the whole of the United Kingdom. He claimed that if it acted in England, "where there are many sects" it would lead to great discontent and confusion. As only thirty Free Church congregations were still unable to obtain sites he felt there was no need for such a wide ranging Act as the one proposed. Despite his arguments and influence Graham was not able to persuade the House to reject the Bill until its third reading when the voting figures were 98 against the Bill and 59 for it.⁵⁵

There is little evidence of difficulty in obtaining sites for Free churches in the three study presbyteries as Table 6.5 (pp.180-81) shows. Of 40 congregations eight retained their existing buildings and ten more had built a church before the end of 1843; i.e., 18 (45%) congregations were worshipping in their own churches within seven months of the Disruption. Those congregations which took slightly longer to build their churches were probably hindered less by lack of a site than by a lack of money as the normal grant from the central Building Fund was five shillings a sitting.⁵⁶ The main reason for there being few difficulties in the matter of sites in these areas was that there were few parishes which were solely in the ownership of one person.

Only three congregations had to wait into the 1850s for their own churches. Of these only Monikie's problem was due solely to lack of a site. Abernethy's problem was mainly related to the difficulty of finding a site that was convenient for members in both the parishes of Abernethy and of Rait but was also related to the alleged low contributions to the Sustentation Fund by the congregation (see p.171). Dundee, Albert Square Free Church congregation built a fine church in Tay Square but the cost was so great that the congregation landed in financial difficulties⁵⁷ and was forced to sell the building to the Burgh Council as a replacement for the burnt out Established church of

55. Hansard 3rd series. vol.98 col.452, 18th April, and col.1150-67 17th May, 1848. vol.99 col.476-98, 7th June, 1848. vol.100 col.137-41, 5th July, and col.610-14 20th July, 1848.

56. Dundee Free Presbytery Minutes 14th September, 1843

57. Ewing, *FC annals*, (1914). vol.II p,159
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TABLE 6.5

PROVISION OF FREE CHURCHES AND MANSES IN THE THREE STUDY PRESBYTERIES

CONGREGATION	FIRST SERVICES HELD IN	CHURCH BUILT	MANSE BUILT
<u>FREE PRESBYTERY OF CUPAR</u>			
Abdie & Newburgh	barn at Denmill	?	1844
Auchtermuchty	Town Hall	1844	1846
Ceres	wooden building	soon	soon
Giffordstown (Collessie)	tent on moor	1844	?
Cupar	Relief Chapel, West Port	1843	1849
Dairsie	open air or joiner's shop	10/1843	1846
Falkland	West Green then Congregational Church then Town Hall	3/1845	1867
Flisk & Creich	barn	10/1843	1844
Kettle & Cults		?	1860
Logie & Gauldry	weaver's shop at Gauldry Logie met in a farm granary	1867 1844	1846
Monimail	Free Gardener's Hall, Letham	1843	
Strathmiglo	open air	1843	1847
<u>FREE PRESBYTERY OF DUNDEE</u>			
Abernyte & Rait	church built by the Haldanes	1854	1854
Broughty Ferry		1844	1848
Dundee Albert Square	Long Wynd	1855	
Dundee Chapelshade	retained building to 1847 then Lindsay St. Chapel	1848	1900
Dudhope	retained building		
Mariners	retained building		
St. Andrew's		1845	
St. Peter's	retained building by purchase		
St. David's	old mill	4/1844	1844
St. John's	machine loft	3/1844	1860
Lochee	retained building 2yrs then factory loft	1845	

CONGREGATION	FIRST SERVICES HELD IN	CHURCH BUILT	MANSE BUILT
Hilltown	retained building by purchase		
Wallacetown	retained building until 1853	1857	1874
Williston	retained building		
Liff	tent	1843	1844
Longforgan		1844	1849
Mains & Strathmartine		1844	1844
Monifieth	tent "covered with wood on every side"	1846	1846
Monikie	barn of a farm in Affleck	1853	1853
Tealing		1843	1844
<u>FREE PRESBYTERY OF ST. ANDREW'S</u>			
Anstruther		1843-4	1863
Craik	hall in Roseyard	1845	1848
Elie	open air then Independent Chapel	6/1844	1882
Ferryport on Craig	schoolhouse and adjoining tent	10/1843	10/1843
Forgan (Newport)	corn merchant's premises	1844	1844
Largo	school for two Sundays then specially built wooden structure	1844	1846
Leuchars		1844	1844
St. Andrew's	Secession Chapel	1843	1843
Strathkinness	retained building		

Sources:- Ewing *FC Annals*, 1914; kirk session minutes;
newspaper reports.

the St. John's (Cross) congregation in early 1845.⁵⁸ It was not until 1855 that the Free Church congregation at Albert Square was able to provide themselves with a permanent place of worship by purchasing the Secession Chapel in Long Wynd.⁵⁹

Manses were provided much more slowly than churches.

58. Dundee Presbytery minutes 16th July, 1845.

59. Ewing, *FC Annals* vol. II p. 159
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Ministers were generally able to rent accommodation reasonably near to their congregations. Not all were able to do so however. Robert Walker of Longforgan Free Church, who was aged 63 at the Disruption, had to live in Dundee some five miles from his congregation. He made the journey on foot almost daily in all weathers without complaint until he asked Dundee Free Presbytery for some assistance in May, 1845. This the Presbytery was unable to grant unless the Home Mission Committee in Edinburgh agreed. This agreement apparently was not forthcoming since two years later Walker again reported to his Presbytery that he was unable to perform his duties properly as his health was impaired by the long walks he had to do each day. The Presbytery agreed to press the Home Mission Committee on the matter, but without apparent success. The manse was eventually built in 1849.⁶⁰

Some congregations adopted ingenious methods of financing the building of manses. One Free Church elder in the Parish of Creich, who had feued ground for the Church, was a wright⁶¹ to trade and offered to build a manse if sufficient rent was guaranteed for a certain number of years. Three farmers in the congregation offered to drive the materials and to stand securities for the rent. This responsibility was nominal while the minister occupied the manse as he had to pay the rent. The farmers would have only become liable for the rent during a vacancy. The church meeting agreed that the church door collections should be devoted to this purpose during a vacancy thus everyone was relieved of personal responsibility. In this way the minister got a decent manse without any further demands being made on the pockets of the members.⁶²

It is not unusual to meet such statements as "The Free Church did little work among the poor".⁶³ This was not strictly true, at least within the congregations in Dundee Burgh. Dundee, Free

60. Dundee Free Presbytery Minutes 7th May, 1845; 13th July, 1847; 9th May, 1849

61. carpenter and joiner

62. The Witness, 7th February, 1844. Letter from J.W. Taylor, minister of Flisk and Creich Free Church.

63. Drummond and Bulloch, *Church in Victorian Scotland*, 1975. p.252

St. Andrew's Kirk Session gave half-a-crown from the New Year collection to each of 32 poor communicants early in January, 1844 and another half-a-crown to each of 36 poor communicants from the surplus of the Spring communion collections. These amounts would have been in addition to the assistance they received from the Burgh Poors Fund. At this time the cheapest seat rents in the church were fixed at 1/6, so that the donations by the kirk session, enabled the poorest members of the congregation to rent a seat and so not suffer the, felt, ignominy of being compelled to sit in free seats while still having something left over for some little luxuries.⁶⁴

The kirk session at Dundee, Free St. David's seem to have been more concerned with educating the children of their poor members than with giving general assistance to their poor. In 1843 the kirk session agreed to pay for the education of four fatherless children. The following year the session not only agreed to provide for the education of a widow's daughter but also to assist the monitors in their school to improve their education. Nevertheless the older poor members of the congregation were not neglected. After the Autumn communion season in 1843 £2/4/- of the surplus collection was given to poor members. In 1844 the kirk session agreed to give a shilling a week to a senile woman.⁶⁵ Dundee, Free St. Johns and Free Hilltown kirk sessions also assisted their poor members from time to time.⁶⁶

Complaints were made to the 1845 Free Assembly that the Church was doing little for people, who, for various reasons, were not in contact with any church. These were mostly the very poor. Similar complaints were made in 1846 and 1847 when eighteen ministers "of known earnestness and ability" were appointed to spend a month each in evangelising work. Walker expressed the argument more fully:-

64. Dundee Free St. Andrews Kirk Session minutes 19th June, 1843; 10th January and 26th April, 1844. Later distributions, if any, are not minuted.
65. Dundee, Free St. Davids Kirk Session minutes 30th August and 27th November, 1843; 24th September and 14th October, 1844.
66. Dundee, Free St. Johns Kirk Session minutes 26th November, 1844; 3rd February, 1845. Dundee, Free Hilltown Kirk Session minutes 11th January, 1844.

"It has sometimes been said that only an Established Church can afford to plant congregations in poor districts, and that all churches dependent on voluntary support must seek out localities in which the better classes live".⁶⁷

He then goes on to show that it is not strictly true.

Thomas Chalmers had set to work on the problem of bringing the Gospel to the poor in 1844 when he began work in the West Port area of Edinburgh. This district of just a few streets was a slum area. It was to be over a century before any real efforts were made to improve its physical environment. The area had a population of c2 000, at least half of whom are said to be paupers, beggars, thieves or prostitutes. Few had any connection with any Protestant church.

Chalmers used the methods he had developed for his St. John's experiment in Glasgow. Twenty official visitors were appointed each to visit and encourage c20 households. Early visits showed that c75% of children were getting no education at all. A school was opened in an old tanloft during November, 1844 with fees of twopence (2d) a week. It began slowly but by the end of the next year over half the children in the area were attending. Weekly services were begun in December, 1844 in the school but only twelve people attended the first one.

Chalmers, in 1845, found a young minister, William Tasker⁶⁸, to take over the day to day management of the project. Tasker proved to be a good choice. Soon attendances at the church services increased. Funds were raised and a church built. When it opened on 19th February, 1847 over 60% of the seats were rented by West Port inhabitants. At the first service 100 people from the West Port took communion.⁶⁹

Opinion on the success of the scheme is divided. Watt, writing in 1943, sees it as a success as, obviously, did Chalmers' contemporaries since they initiated similar schemes in other poor areas in Edinburgh and in Glasgow. Stewart Brown, in 1975, is inclined to rate it as a failure since he believes the poorest people were untouched

67. Norman L. Walker, *History of the Free Church of Scotland*, (Edinburgh, 1895). 76, 77, 81.

68. Former schoolmaster of Falkland Parish who had been forced to resign when he joined the Free Church in 1843.

69. Watt, *Thomas Chalmers*, 1943. pp.337-41.

by the scheme. He claims that only "the upwardly socially mobile" tradesmen seeking respectability became members of the Free Church and that they left the area as quickly as possible.⁷⁰ The truth, without doubt, lies somewhere between these two extremes.

Chalmers' scheme was a success in that the number of children in the area receiving some schooling more than doubled. Over a hundred people were enabled to attend church services, many of whom had not been able to do so previously. Today many churches would be highly delighted if after two years of intensive effort they achieved an increase in their membership of a hundred communicants.

Nevertheless Brown is right to assert that many of Chalmers objectives were not reached because of faulty planning and execution. To this extent the scheme can be rated a failure. It seems doubtful, however, if Brown has given sufficient weight to the fact that historically very few "successful" outreach schemes by Christian churches have ever achieved more than a small proportion of their original objectives.

There is another aspect of the situation in the West Port area which both Watt and Brown appear to have overlooked. Both have assessed the scheme in terms of the number of people attracted into the formal Free Church organisation. Neither could truly assess the number of West Port people who would have agreed with the sentiment expressed by a Clydeside steelworker early in the 2nd World War, who said, "If we think nothin' o' yer Kirk, mister, that's no' tae say we think nothin' o' yer Jesus".⁷¹ There may have been many West Port people who gained strength, from Chalmers' missionary efforts, in their struggle to live according to Christian principles while remaining outwith the Church. Nevertheless hundreds of people had to struggle with poverty and semi-starvation and so would not normally have been very receptive of attempts to offer spiritual comfort.

In addition to these major projects hundreds of open air evangelising meetings were held each year. Although it is not

70. Watt, *Thomas Chalmers*, 1943. Stewart J. Brown, *The Disruption and urban poverty*, R.S.C.H.S., 1979. vol.20 pp.65-89.

71. R. Falconer, *The kilt beneath my cassock*, (Edinburgh, 1978). p.51

possible properly to evaluate the success of these open air meetings Walker was able, in 1895, to write:-

"There is not one provincial town in which more or less successful territorial work has not been done, and in some of the mining districts especially the expansion of the [Free] Church has been quite remarkable."⁷²

He goes on to cite the Presbytery of Hamilton, the bounds of which embraced much of the Lanarkshire coalfield, where eighteen new Free Church congregations had been established in the previous forty years.

Early in January, 1850 a Dundee Evangelical Christian Instruction Society was formed of Free Church ministers and members. The aims of this society were visiting and communicating religious instruction to those who were not attending any church.⁷³ The idea was readily endorsed by the various kirk sessions who assumed responsibility for the organisation within the areas covered by their churches.

By March, Dundee Free St. Andrew's had secured accommodation in Cable's Close and was conducting well attended Sunday evening meetings. Four years earlier this kirk session had appointed a catechist for the summer months to visit their aged and infirm members who were unable to attend church and also "families not in the habit of attending ordinances" and to hold meetings with them "for religious exercises".⁷⁴

Dundee Free St. Paul's Kirk Session established a centre in the Overgate with two of its members to oversee the work on a weekly rota basis. In September, 1850 they extended the range of its outreach by appointing a teacher for three nights a week at a wage of half-a-crown a week.⁷⁵

The Free Church was not only concerned for the poor within its own congregational areas. The Church was also much interested in the

72. Walker, *History of the Free Church*, 1895. p.91

73. Dundee Free Chapelshade Kirk Session Minutes 7th January, 1850

74. Dundee Free St. Andrew's Kirk Session Minutes 13th March, 1850; 12th May, 1846.

75. Dundee, Free St. Pauls Kirk Session minutes 12th July and 6th September, 1850.

social welfare of "the labouring classes"⁷⁶ in a wider field. This concern was shown, in 1846, by a petition from Dundee Free Presbytery to both Houses of Parliament⁷⁷ supporting Lord Ashley's⁷⁸ bill for a shorter working day in factories⁷⁹.

The decision to petition Parliament on this subject was not well received by Dundee mill and factory owners.⁸⁰ Some of these men who were also members of the Free Church wrote to Presbytery deprecating any further interference with the hours of labour⁸¹ as being extremely prejudicial to the interests of employers and employed. They also questioned the right of ministers to interfere in such matters and asked Presbytery to reconsider the matter with a view to abandoning the petition. In its reply Presbytery vindicated its actions and called on its critics to assist in the removal of obstacles in the way of moral and spiritual improvement of those they employed.⁸²

The textile workers, themselves, took a different view of the Presbytery action. They held a public meeting in Dundee on 23rd March, 1846 at which they passed a vote of thanks to the Free Presbytery for their support of Lord Ashley's Bill.⁸³

Although it is easy to present a picture of a steady general advance by the Free Church to a position of relative strength by 1850 especially in the study area, it is equally easy to overlook that its success in other parts of the country was patchy. While the Burgh of

76. A term for poorly paid workers and their families much used in contemporary literature.

77. Dundee Free Presbytery minutes 11th February, 1846.

78. Later 7th Earl of Shaftesbury and famous philanthropist of the period

79. Later enacted as *An act to limit the hours of labour of young persons and females in factories*. 10 & 11 Vic. c.29. 8th June, 1847. This act limited the working day of women and children to ten hours.

80. Mills specialised in spinning fibres into yarn. Factories specialised in weaving yarn into fabrics.

81. Parliament had passed an Act (7 & 8 Vic. c.15) in 1844 which limited hours in factories to twelve a day.

82. Dundee Free Presbytery minutes 26th February, 1846. There is a very modern ring to this exchange of correspondence.

83. Dundee Free Presbytery minutes 8th April, 1846.

Aberdeen came out strongly in support of the Free Church (not one minister remained with the Established Church in 1843) there was much less support in the landward areas of the county.⁸⁴

In Dundee, William Law, a missionary with responsibility for the Mariners Chapel, and his congregation joined the Free Church in 1843. Law was duly ordained and his chapel erected into a full pastoral charge. A year later he and 382 of his members were readmitted to the Established Church.⁸⁵ This is by no means the only return by ministers and members to the Establishment, recorded in the literature. One other instance of this was William Brodie, an elder in Dairsie Parish, who seceded to the Free Church in 1843, returned to the Established Church in 1847. There is no recorded reason for his change of mind.⁸⁶

Nevertheless, despite its problems of financial resources and of manpower, by 1850 the Free Church was firmly established with over 250 000 members and 824 places of worship.⁸⁷ It seemed well on the road towards its target of a church in every parish (an unrealistic aim which was never achieved).

SUMMARY

While Chalmers' hopes of the amount of money which would be subscribed to the new Free Church may not have been fully realised nevertheless enormous sums were freely given in a very short time. This achievement would not have been possible before the Industrial Revolution had created a large middle class with sufficient surplus wealth to enable some of its members to contribute funds for non-profit making projects. The Free Church was also fortunate that so many ministers, probationers and divinity students were prepared to leave, or abandon hopes of attaining, good, comfortable livings within the Established Church for the uncertainties and possible discomforts of a

84. MacLaren, *Religion and social class*, 1974
McCosh, *The wheat and the chaff*, 1843.

85. Dundee Free Presbytery Minutes 7th June, 1843. Dundee
Presbytery Minutes 1st May, 1844

86. Dairsie Kirk Session minutes 26th October, 1847.

87. Religious Census 1851 Table A pp.2-3

voluntary church.

Perhaps the greatest achievement of the Free Church was to show that a national Church could sustain a well educated ministry in reasonable comfort, build, equip and maintain all the necessary churches manses, schools and colleges and provide a sound educational service from infant schools to normal⁸⁸ and theological colleges entirely from the free will offerings of its members.

At the first General Assembly of the Free Church in May, 1843 it was realised that the Church must make some provision for education, if only to provide employment for those teachers and professors who had been forced to relinquish their teaching posts by the Established Church. This Assembly appointed a committee with the ambitious instructions to set up a school attached to every church and to make provision for the training of ministers for the church. Robert Macdonald (Blairgowrie Free), the convenor of the committee, set about the task with enthusiasm and by March, 1844 had raised £30 000 of the £50 000 required to complete the project.⁸⁹ This achievement brought much admiration from other Protestant churches throughout Europe and the world with one exception - the Established Church of Scotland.

Because of the great impact it had, and in some ways still has, on the religious life of Scotland it is often difficult to realise that the Free Church existed as a separate entity for only 57 years. In 1900 the Free and United Presbyterian Churches merged to form the United Free Church. The original Free Church continued as the major influence in the new Church for a further 29 years until it and the Established Church united to form the present day Church of Scotland.

88. Teacher training colleges

89. AGAFCS May, 1843. p.37. Dundee Advertiser 22nd March, 1844.

CHAPTER 7

FACTORS INFLUENCING MINISTERS TO JOIN THE FREE CHURCH OR REMAIN IN THE ESTABLISHED CHURCH.

The major factor in whether ministers remained with the Established Church at the Disruption or demitted their charges and joined the Free Church was their theological stance on the importance of the spiritual independence of the Church coupled with their stance on the non-intrusion issue. While stressing the importance of principle as a factor in the Disruption, to ignore other factors would be to oversimplify the situation. Some of these factors were external such as pressures from influential groups within congregations or from friends. Other factors were internal, or at least within a minister's family. Among these would be the economic and social expectations of his wife or children.

Of the two main parties in the Church, the Moderates, by 1840, had become openly Erastian in policy and prepared to accept arbitration by the civil courts in matters previously seen as the sole prerogative of the Church. The Popular Party, by then becoming known as Evangelicals, were, on the other hand, increasingly adamant that no such interference by the State could be tolerated even if this meant that the existing Church/State relationship had to be modified or indeed ended.

Not all Evangelicals were prepared to support the ending of the existing Church Establishment. The first overt break in their ranks came in 1842 with the formation of the Middle Party. It is difficult to assess the actual number of ministers actively involved with this party but it seems reasonably clear that they at no time mustered more than sixty supporters.¹ There is no record of any overt supporters of this party within the study area.

After the Disruption McCosh identified 260 ministers as "second class Moderates"² i.e., ministers who had at sometime supported Evangelical principles but had not left the Establishment at the time of crisis. If McCosh is right in his estimate of the number of ministers who deserted the Evangelical cause, then factors other than

1. James F. Leishman, *Matthew Leishman of Govan* (Paisley, 1924)

2. 'McCosh, *The wheat and the chaff*, 1843 p.12.

theological issues must have been involved in the decision by individual ministers on whether or not to secede from the Establishment.

Appendix A provides details of the characteristics of each minister, holding a charge within the bounds of the three presbyteries included in this study, on five parameters which seem likely to have affected his decision in the matter of secession. A sixth parameter, the personal relationship between minister and patron, does not lend itself to tabulation but will be discussed at the end of the chapter.

There seems to be some confusion on the numbers of ministers adhering to or seceding from the Established Church. Turner³ quotes a 1844 publication as giving 752 ministers remaining in the Establishment and 451 joining the Free Church. McCosh is to be preferred since he lists every minister by name and his figures agree almost exactly with those culled from Scott's *Fasti* vol.5.

TABLE 7.1
NUMBERS OF MINISTERS REMAINING IN THE ESTABLISHED CHURCH OR
JOINING THE FREE CHURCH, 1843

<u>PRESBYTERY</u>	<u>ESTABLISHED</u>		<u>FREE</u>		<u>TOTAL</u>
Cupar	13	(59.1)	9	(40.9)	22
Dundee	12	(42.9)	16	(57.1)	28
St. Andrews	17	(77.3)	5	(22.7)	22
<u>TOTAL</u>	<u>42</u>	<u>(58.3)</u>	<u>30</u>	<u>(41.7)</u>	<u>72</u>
<u>CHURCH AS WHOLE</u>	<u>741</u>	<u>(62.0)</u>	<u>454</u>	<u>(38.0)</u>	<u>1195</u>

Source. McCosh, *The wheat and the chaff*, 1843.

Notes. a. percentages given in brackets
b. figures do not include ministers holding posts in St. Andrews University who did not also hold parochial charges e.g., George Cook, Professor of Moral Philosophy.

Table 7.1 makes it clear that the percentage of ministers joining the Free Church in each of the study presbyteries is different from the pattern shown nationally. This is particularly significant in Dundee Presbytery where a third more ministers joined the Free Church than remained with the Establishment and in St. Andrew's Presbytery where less than a quarter of the ministers joined the Free Church.

3. Alexander Turner, *The Scottish secession of 1843*, (Edinburgh, 1859). p.359.

AGE OF MINISTERS AT THE DISRUPTION

Table 7.2 shows that ministers joining the Free Church were markedly younger than those remaining with the Established Church. The average age of Established Church ministers was over 54 years while that of Free Church ministers was under 44. The difference of 10.47 years is statistically significant at the 0.01 level.⁴ This accords with Robb's finding for the whole of the Scottish beneficed and *quoad sacra* clergy⁵. It is interesting that his estimates for both the Established clergy at 49.4 years and for the Free Churchmen at 43.7

TABLE 7.2

NUMBER OF MINISTERS IN THE STUDY AREA REMAINING IN THE ESTABLISHED CHURCH OR JOINING THE FREE CHURCH - BY AGE GROUP

Age group	Established	Free	Total
26-30	2 (4.8)	3 (10.0)	5 (6.9)
31-35	1 (2.4)	5 (16.7)	6 (8.3)
36-40	7 (16.7)	5 (16.7)	12 (16.7)
41-45	3 (7.1)	8 (26.7)	11 (15.3)
46-50	6 (14.2)	2 (6.7)	8 (11.1)
51-55	5 (11.9)	2 (6.7)	7 (9.7)
56-60	3 (7.1)	1 (3.3)	4 (5.6)
61-65	5 (11.9)	1 (3.3)	6 (8.3)
66-70	4 (9.5)	2 (6.7)	6 (8.3)
71-75	2 (4.8)	nil	2 (2.8)
76-80	1 (2.4)	1 (3.3)	2 (2.8)
81-85	1 (2.4)	nil	1 (1.4)
86-90	1 (2.4)	nil	1 (1.4)
91-95	1 (2.4)	nil	1 (1.4)
Total	42 (100)	30 (100)	72 (100)
Average Age	54.24	43.77	

source. Fasti vol.5

note. Figures in brackets are percentages

4. Statistical significance at this level indicates that there is only a one in a hundred chance of the difference in average ages revealed by this table occurring solely at random.

5. James E. Robb, *Kirk parties in Scotland circa 1843*, M.Litt., thesis, University of Edinburgh (2 vols.), 1977. vol.1 p.xvi.

years were rather younger than those of the presbyteries under consideration.

The average age of Establishment ministers is markedly increased by the fact that six (14.3%) of them were over 70⁶ while only one Free Church minister was in that age group. It is, perhaps, natural that men of this age should have preferred the security of the Established Church to the uncertainties of the possible provision in the Free Church. Few men have the courage and strength of conviction shown by David Davidson of Broughty Ferry (a *quoad sacra* charge) who signed the Act of Separation and Deed of Demission on his death bed.⁷ It might reasonably be assumed that by his action Davidson deprived his widow and three children of benefits from the Widow's Fund which had been established in 1743⁸, but this was not so. Following a suit, in 1836, by ministers of churches erected by Government grant in 1824⁹ the Court of Session ruled that these ministers must become contributors to the Widow's Fund. At the same time the Court made it clear that this ruling did not apply to ministers of *quoad sacra* charges.¹⁰

Table 7.3 shows that an age difference was apparent in all presbyteries with St. Andrew's showing the greatest differential. Although in this case the difference was just statistically significant too much should not be made of this owing to the very small sample size. Indeed this comment on small samples could, with justification, be

TABLE 7.3

AVERAGE AGES OF MINISTERS REMAINING IN THE ESTABLISHED CHURCH
AND JOINING THE FREE CHURCH BY PRESBYTERY

Presbytery	Established	Free Church	Difference
Cupar	46.77	41.11	5.66
Dundee	57.58	46.56	11.02
St. Andrews	57.58	41.60	15.98

note. The age differential for Cupar Presbytery is not significant. That for Dundee Presbytery is significant at the 0.01 level and that for St. Andrew's Presbytery at the 0.05 level.

6. The age at which present day ministers are expected to retire.

7. Fasti. vol.5 p.311. Davidson died on 25th August, 1843.

8. 17 Geo.II c.11, 1743.

9. 5 Geo.IV c.90, 1824. See chap.3 p.62

10. Pres. Rev. vol.8, 1836. p.152.

repeated for all parameters when examined at presbytery level. Statistics presented to indicate differences between presbyteries should usually be taken to be indicative of probable rather than of proven differences. Samples of 20 - 25 from a total of over a thousand ministers are very small and thus possibly biased in some way so that results at low levels of significance (as here) may not be truly representative of all ministers.

LENGTH OF PERIOD BETWEEN LICENSING AND ORDINATION

It is not unreasonable to assume that the longer a licentiate had to wait before obtaining a charge the less likely he would be to throw away the advantages and security of his benefice by joining the Free Church. This assumption is partly substantiated by Table 7.4. Unfortunately the figures are somewhat distorted by the omission of seven incumbents whose date of licensing is not known.¹¹

TABLE 7.4

AVERAGE NUMBER OF YEARS LICENTIATES WAITED FOR ORDINATION

Presbytery	Established			Free		
	no.	range	aver.	no.	range	aver.
Cupar	13	0-12	5.08	9	1-7	3.55
Dundee	11	1-8	2.91	13	1-10	5.00
St. Andrew's	16	0-18	6.25	3	3-9	5.66
Total	40	0-18	4.95	25	1-10	4.56

Source: Appendix A

A possible explanation for the apparently aberrant situation in Dundee lies in the fact that ten of the twenty-eight charges within the Presbytery bounds were *quoad sacra*. Such charges seem, generally, to have been filled by men without ready access to patronage who would thus tend to be forced to wait longer before obtaining a charge.

11. The *Fasti Ecclesiae Scoticae*, the source of most of the information used in this chapter, contains no data relating to the licensing of the ministers in question. The only possible alternative is to search the records of every presbytery of the Established Church in Scotland. This lengthy and expensive process is unlikely to yield any result since Hew Scott, the editor of the *Fasti*, is reputed to have done this while compiling the original work.

LENGTH OF PERIOD FOR WHICH MINISTERS HAD HELD THEIR CHARGES, 1843.

It was considered that this parameter might have some influence on ministerial decisions to secede from the Established Church. This does not seem to have been the case as far as the ministers under consideration are concerned. The factor might possibly have had some influence on parishioners' decisions to follow the minister's lead at the Disruption. Parishioners would perhaps have been more likely to follow the example of a long established minister than that of one fairly newly arrived in the parish. However this argument could be invalidated if the long established minister was unpopular with his flock although there does not appear to have been many of this type within the study area. Possible exceptions were Joseph Crichton at Ceres and James Macdonald at Kemback both of whom were aged and unable properly to perform their ministerial duties.

TABLE 7.5¹²

AVERAGE NUMBER OF YEARS MINISTERS HAD HELD THEIR CHARGES BEFORE THE DISRUPTION

Presbytery	Established			Free		
	no.	range	aver.	no.	range	aver.
Cupar	13	0-50	15.61	9	0-40	9.11
Dundee	12	6-36	22.00	16	1-26	9.56
St. Andrew's	17	0-62	17.71	5	3-15	10.20
Total	42	0-62	18.29	30	0-40	9.53

The differences between Established and Free Church ministers shown in Table 7.5 are to be expected since the latter tended to be younger men (Table 7.3). Once again too much should not be read into these figures given the wide range of periods of incumbency shown by both parties. The overall ranges of both groups would in fact be equal if Joseph Crichton, who had been 50 years in Ceres and James Macdonald in Kemback for 62 years were removed from the Established

12. This table refers to the number of years a minister had spent in the charge he held at the Disruption. The period is not necessarily equivalent to the period a man had been ordained. Adam Cairns had held two other charges before his induction at Cupar

Church statistics.¹³

UNIVERSITY ATTENDED

Table 7.6

UNIVERSITIES ATTENDED BY MINISTERS REMAINING IN THE ESTABLISHED CHURCH OR JOINING THE FREE CHURCH

Presbytery	Established				Free			
	A	E	G	S	A	E	G	S
Cupar	0	5	3	7	2	4	2	2
Dundee	2	6	1	3	0	6	7	6
St. Andrew's	2	8	2	8	0	2	2	3
Total	4	19	6	18	2	12	11	11

notes. a) A = Aberdeen University, E = Edinburgh
G = Glasgow, S = St. Andrew's

b) Figures in this table do not agree with the number of ministers involved in this study as 12 men attended more than one university.

The above table shows that graduates of Aberdeen University are poorly represented in the three study areas - only 6 of 83 (7.2%). It is somewhat surprising that rather more ministers, 31 (37.3%), should have attended Edinburgh University than attended St. Andrew's, which is represented by 29 (34.9%) graduates. This, however, is likely to be a result of the relatively small numbers involved together with the fact that eight of the twelve men attending more than one university went to Edinburgh. The United College of St. Leonards and St. Salvator in St. Andrews was patron to four parishes within the study area. The incumbents of all four were graduates of St. Andrews and three of them were related to George Cook, Professor of Moral Philosophy in the University.

The majority of graduates from Aberdeen, Edinburgh and St. Andrews adhered to the Established Church. Glasgow, represented by 17 graduates (20.5%), showed a very different pattern. Twice as many Glasgow graduates joined the Free Church as adhered to the Established Church. Arguably this could have been due to the influence Thomas Chalmers exerted in the city during his time as minister of the Tron Church and then of St. John's (1814-23) and

13. Crichton died, aged 95, on 15th February, 1849. Macdonald died, aged 91, on 30th September, 1843. *Fasti* vol.5 pp.132, 207

continued to exert indirectly after his removal to Edinburgh. Some credence is given to this argument by the fact that eleven of the twelve Edinburgh graduates who joined the Free Church came under his influence while at university. Against this ten graduates who were also under his influence there remained in the Established Church. Thus no firm conclusion can be drawn from the figures available.

STIPEND

In medieval times the stipends of parish priests came from the teinds (tithes) levied on their parishioners. Thus the parish clergy received their stipends in kind. Following the Reformation in 1560 a similar system prevailed in rural areas. With the growth of towns teinds in kind became impractical in urban parishes and money stipends were introduced.

Parliament was well aware of the problems ministers faced with regard to stipends and glebes. In 1593 it decreed that every minister should have a glebe of at least four acres and in another Act declared ministers were to receive their stipends without any deductions.¹⁴

Since parishes varied greatly in size¹⁵ and in agricultural productivity, the amount of teinds in each parish also varied greatly. Parliament did attempt to regulate matters in 1617 when it declared that every minister must have a stipend of at least five chalders¹⁶ of victual or 500 merks. This was, apparently, insufficient for ministers to live on comfortably since sixteen years later the minimum stipend was increased to eight chalders of victual or its money value.¹⁷

14. Act 8. Anent the ministeris gleibis. Act 9. Act for releif of ministeris that ar trublit be pensionaris or taxmen. APS vol.4 p. 17. 21th July, 1593.

15. Within St.Andrews Presbytery area the range of parish size was great. Pittenweem Parish comprised 663 acres while St.Andrews Parish extended to 11 482 acres. Slater's Directory of Scotland, 1878.

16. A chalder was a Scots measure consisting of sixteen bolls each of which was roughly equivalent to six imperial bushels.

17. Act 3. Anent the plantation of kirkis. 17th June, 1617. Act 8. Ratificatioun of the act of the commission anent the ministers provisiones. 8th June, 1633. APS vol.4 pp.531-4 and vol. 5 p.23.

Apart from a clause in the 1707 *Act anent the Plantation of Kirks and Valuation of Teinds*, which enabled the Court of Session to augment the stipends of individual ministers, there was no further legislation on stipends until 1808. In that year Parliament decreed that the stipend of a particular parish could only be augmented once in twenty years.¹⁸

During the 1830s several ministers in the study area sought to have their stipends augmented. These included the ministers of Largo, Crail, Kingsbarns and Kilrenny. Robert Brown (Largo) sought to have his stipend increased from the equivalent of £32-18-2 2/3 sterling with £8-6-8 for communion elements to eighteen chalders of victual (half barley, half meal). William Merson (Crail) sought an increase from 16 chalders 2 bolls to 20 chalders. George Wright (Kingsbarns) wanted his stipend increased by four chalders to 18 chalders 5 bolls. They all wanted their allowance for communion elements increased to £10-0-0.¹⁹

Since stipends were officially in fixed quantities of grain the amount of cash available to a minister varied from year to year and county to county. Among his many administrative duties a sheriff had to decide the average prices of grain in his county by the process of "striking the fiars".

"This duty was important because these prices determined Crown duties [some taxes], ministers' salaries and some agricultural rents. The actual determinations were made by a jury and not by the sheriff".²⁰

The way in which the price of grain affected a minister's stipend has been illustrated for the Parish of Ellon. Here the minister received £304 in 1838, £261 in 1839, £222 in 1840, £231 in 1841 and as little as £201 in 1842.²¹

Robb shows that, taking Scotland as a whole, the stipends of ministers remaining in the Established Church were, on average, £28 p.a., higher than had been the stipends of ministers who joined the Free

18. Act 10 APS vol.11 p.433. 48 Geo.III c.138.

19. St.Andrews Presbytery minutes 31st March, 1830; 27th March and 1st May, 1833.

20. Ann E.Whetstone, *Scottish county government in the 18th and 19th centuries*, (Edinburgh, John Donald, 1981) pp. 25, 179n.

21. Charteris, *James Robertson*, 1863. p.57n

Church. He argues this was due to the high number of poorly paid *quoad sacra* ministers who seceded.²² *Quoad sacra* churches were dependent on church door collections and seat rents to meet their expenses. Usually ministers of these charges received a stipend roughly equivalent to that of an assistant and successor in a *quoad omnia* parish.

A similar pattern is apparent in the three study presbyteries. Table 7.7 shows that in each presbytery Free Churchmen had received on average a lower stipend than had those remaining in the Established Church. Appendix A indicates that of eleven *quoad sacra* ministers ten joined the Free Church. There is little support for Robb's contention that a reason for secession was the lower stipends of *quoad sacra* ministers since the differences in stipend occur as much in Cupar Presbytery, where no *quoad sacra* minister seceded, and in St. Andrew's Presbytery, where only one of the seceders had a *quoad sacra* parish, as they did in Dundee Presbytery where ten of sixteen seceders were *quoad sacra* ministers. However, only one *quoad sacra* minister (William Elder, Cupar, St. Mary's who remained with the Establishment) received a stipend of less than £150 a year, while six seceders did so. Of these six; one (John Duncan) had been ordained assistant and successor to Ceres Parish and hence was heir to a stipend of £229 p.a.

TABLE 7.7

AVERAGE STIPENDS OF MINISTERS IN THE STUDY AREA REMAINING IN THE ESTABLISHED CHURCH AND JOINING THE FREE CHURCHES

Presbytery	n	Established range	aver.	n.	Free range	aver.
Cupar	13	100-273	230.23	9	70-280	218.78
Dundee	12	173-311	245.67	15	70-281	181.40
St. Andrew's	16	162-462	237.44	5	76-284	188.00
Total	41	100-462	237.56	29	70-284	194.13

Source. Appendix A

It is most unlikely that many ministers joined the Free Church in the hope of improving their financial position. Even the lowest paid, such as James Ewing (Dundee, St. Andrew's) who had £70 p.a., and Alexander McPherson (Dundee, Dudhope) with £80 p.a., had manses.

22. Robb. *Kirk parties*, 1977. pp.xiv-xv.

They knew full well that even if the Free Church sustentation fund was large enough to increase their stipends - in fact Free Church stipends were £105 in 1843 and £138 in 1844²³ - no manse would be available immediately and, in effect, they would be worse off. Ralph Robb (Strathkinness) with a stipend of £70 was in a slightly different position from most other ministers who joined the Free Church. Both he and Robert Aitken had been ministers in the Original Secession Church before its re-union with the Established Church in 1839. All the church buildings and manse of the former Church belonged to their respective congregations and the titles had not been transferred to the Church of Scotland. Thus there was no question of the Established Church being able to claim the ownership of these buildings and the ministers of these two congregations had no fear of losing their homes.

Table 7.7 tends to show that, in general, ministers with larger than average stipends adhered to the Established Church. Thus the impression is created that money was a high priority with Church of Scotland ministers, perhaps even at the expense of theological principle. Would the impression be different if only those ministers with large stipends were considered?

Posing such a question raises the ancient mathematical problem of "how large is large". In this instance the arbitrary figure of £260 p.a., has been chosen for two reasons; 67% of all stipends listed in Appendix A were below this figure and also because any higher amount would have resulted in too small a sample to yield any viable results.

There were 23 ministers in the study area who received stipends in excess of £260. Nine (39.1%) of them joined the Free Church. As is usual in this study individual presbyteries varied greatly in the incidence of secession. In Cupar Presbytery six ministers had large stipends, four of whom seceded. Four of nine ministers in this category joined the Free Church from Dundee Presbytery. Only one of the eight ministers with large stipends in St. Andrews Presbytery left the Established Church.

The overall proportion of 39% of ministers with large stipends who seceded is very close to the proportion of all ministers (41%) who

23. T. Brown, *Annals*, 1893. p.406.
200

left the Established Church in the study area (Table 7.1). Thus it would appear that, contrary to the general impression given in Table 7.7 money was not necessarily a deterring factor in a minister's decision to join the Free Church.

MARITAL STATUS

TABLE 7.8

MARITAL STATUS OF MINISTERS JOINING THE FREE CHURCH, 1843

Presbytery	Married			Unmarried		
	No.	No. FC.	%age	No.	No. FC.	%age
Cupar	15	5	33	7	4	57
Dundee	20	13	65	8	3	38
St. Andrews	12	4	33	10	1	10
Total	47	22	47	25	8	32

Source: *Fasti* vol. 5

- Notes. 1. Unmarried includes bachelors and widowers.
 2. No. indicates all the ministers in the category within a presbytery
 3. No. FC indicates the number of ministers in the category who joined the Free Church.

The fact that a minister was married might plausibly be assumed to have had some influence upon his decision to secede or not. Men, willing to accept a reduction in income and the exchange of comfortable, often spacious accommodation for, perhaps, a small flat up a tenement stair, for themselves, are often reluctant to force their wives and families to accept such conditions. Thus it would not be surprising if a greater proportion of unmarried men joined the Free Church than did married men.

Table 7.8 shows that this argument could possibly be valid only in the Presbytery of Cupar. In the other two study presbyteries much larger proportions of married men joined the Free Church. From this it could be argued that not only did wives loyally support their husbands' decisions at the time of the Disruption as is indicated in the many stories related by Thomas Brown²⁴ but may even have actively urged their husbands to ignore possible hardships and deprivation and to take

24. T. Brown, *Annals*

part in the secession. While such discussions must remain speculative it is clear that having a wife and family was no deterrent from leaving the Established Church.

RELATIONSHIPS BETWEEN MINISTERS AND THEIR PATRONS

This parameter is most difficult to assess. Little information is readily available and what little there is, is often insufficient to formulate any judgement. This matter is further complicated by the wide-spread practice of selling the life rent of a patronage.²⁵

Of the 72 ministerial charges in the study area fourteen were in *quoad sacra* parishes or chapels of ease which were not subject to the 1712 Patronage Act. In these charges a new minister was elected by the popular vote of the seat holders in the church from a short leet of candidates drawn up by the office bearers in the congregation.

Two others were assistants and successors whose selection was, officially, the result of negotiation between the patron of the parish and the parish minister. Since no assistant and successor could be inducted without the consent of the minister, in effect the selection was solely that of the minister. An example of this occurred in 1840 in the parish of Abernethy, the patron of which was the Crown. James Wilson, the parish minister, was then aged 74. In August, 1840 the Presbytery of Dundee agreed to his suggestion that he should have an assistant and successor and informed the patron of that fact. Lord Normanby, the then Home Secretary²⁶, replied that he had drawn up a short leet of two, James Hamilton and Robert Fisher (the parish schoolmaster), and that he would allow the congregation a free choice between them. James Wilson protested to Presbytery that he had applied to the Government only for Hamilton and asked that no action be taken until the Government had clarified its position. At a *pro re nata* meeting of Presbytery in October, Wilson refused to have an assistant and successor because of Government interference as "the

25. chap.1 pp.18-20

26. In Lord Melbourne's last cabinet.

consent and concurrence of the incumbent of any parish being necessary to the ordination and admission of any assistant and successor". Presbytery decided to stop the action and to inform the Home Secretary of the reason.²⁷

Six charges were in the gift of burgh councils, five of them in Dundee and one (the second charge) in St. Andrews. By 1834 both councils had agreed that in future new ministers were to be elected by free votes of the seat holders in the various churches.²⁸

Four parishes (Dunino, Kemback, Cults and Kilmany) were in the gift of the United College of St. Leonard and St. Salvator in St. Andrews. In these charges nepotism was the main method of selection. George Hill was Principal of St. Marys College in St. Andrews from 1791 until his death in 1819. He made a practice of ensuring that any vacancies which occurred in parishes of which United College was the patron were filled by his relatives or, if no suitable relative was available, by his students. This practice continued after Hill had died. James Macdonald (Kemback) was Hill's brother-in-law. Henry Cook (Kilmany) was his nephew and James Anderson (Cults) had married one of Hill's great-nieces shortly before being presented to the parish. James Roger (Dunino) does not seem to have been related to Principal Hill but had been one of his students.²⁹

The Crown was patron to twenty-one charges in the study area. In these cases there can be little doubt that the presentation was given to the candidate who the Home Secretary of the day felt would bring the most advantage to the government. It might be that the sponsor of a presentee could influence the election of a government supporter or, as in Kettle in 1842, the presentee himself was hoped to be able to influence parishioners to accept governmental attitudes to church questions.³⁰

27. Dundee Presbytery minutes 5th August, 7th and 23rd October, 1840.

28. Dundee Advertiser, 18th August, 1831. St. Andrews Burgh Council minutes 27th November, 1833.

29. Fasti vol.5 pp. 140-41, 162, 207. vol.7 p.422. S. Brown, Thomas Chalmers, 1982. p.84

30. chap.8 pp.229-31

Few relationships between patron and presentee of the 25 patronages in private hands are so clear as that between Joseph Crichton (Ceres) and his patron, the Earl of Crawford. Shortly after his induction to the parish Crichton married a natural daughter of the Earl.

In only nine of the other 24 parishes in this category was there a reasonably clear link between patron and presentee. Three presentees (to Crail, Liff and Benvie, Lundie and Fowles Easter) had been a tutor in the patron's family. Three others (to Carnbee, Newburgh, Monimail) were presented in succession to a father or grandfather. Two (Anstruther Easter and Monifieth) were the sons of ministers in an adjacent parish and so were likely to be well known to the patrons or their agents. One (Flisk) came from a parish with the same patron.³¹

There is no apparent connection between presentee and patron in the remaining fifteen parishes. Possibly, in view of the prevalence of the sale of patronages, at least some of these parishes had been the subjects of such bargains. In two of these parishes (Kingsbarns and Moonzie) where Lady Mary Lindsay Crawford had the right of patronage such a sale, almost certainly, could have taken place.³²

Some private patrons, for example, Sir Charles Anstruther of that Ilk, Sir Ralph Anstruther of Balcaskie, Durham of Largo and Bruce of Falkland, had their homes in or near the parishes of which they were patrons. This proximity seems to have had little effect on local ministers since approximately one third of their presentees, almost equivalent to the national average, joined the Free Church.

In the fourteen parishes where it has proved possible to establish even a tenuous link between patron and presentee ten of the ministers concerned remained with the Established Church at the Disruption. The four ministers (at Monifieth, Monimail, Flisk and Anstruther Easter) who joined the Free Church were those most loosely linked to the patron. Thus it is possible, tentatively, to suggest that when a presentee had a close personal obligation to his patron, he

31. Fasti vol.5.

32. chap.1 pp.18-20

tended to remain with the Established Church and those whose obligation was less, felt more able to secede. However, with such a small sample it is not possible to be dogmatic on the issue.

CONCLUSION

Ministers joining the Free Church tended to be younger, have waited less time for ordination after being licensed, to have been in their parishes for a shorter period and to have received lower stipends than those who remained in the Established Church. The university a minister had attended appears to have been of little importance in the decision on secession reached by a minister. Family circumstances almost certainly had no deterrent effect on ministers who determined on joining the Free Church. Close links with patrons seem to have influenced ministers to remain in the Established Church.

Taking all the factors, as they are shown by the 72 ministers listed in Appendix A, together it is justifiable to argue that non-theological considerations tended to persuade older ministers to remain with the Establishment. Conversely these considerations tended to influence younger ministers to join the Free Church.

McCosh classified all the ministers holding parochial charges in the Church of Scotland in 1843 according to their allegiance to the Free or Established Churches at the Disruption. He further divided those who adhered to the Establishment into first and second class ministers. In the latter class he included those ministers who had supported the Popular Party during the Church/State controversy but had refused to join the Free Church.³³

There were eleven ministers from the study area in his "second class" list. They were; Robert Johnstone (Auchtermuchty), William Elder (Cupar, St. Mary's), William Reid (Kettle), James Anderson (Cults), James Cochrane (Cupar, 2nd charge), William Ferrie (Kilconquhar), John Cooper (Pittenweem), Andrew Brown (Cameron), James Thomson (Dundee, St. Clement's), James Wilson (Abernyte) and James Honey (Inchture and Rossie). Of these, three were over sixty years of age and had held their charges for at least 29 years - well above the average in both

33. McCosh, *Wheat and the chaff*, 1843.

factors. Five others had had above average waits for ordination. Six had above average stipends. Two, Robert Johnstone and James Honey, each had three dependent children. An additional consideration for William Ferrie might have been that he feared the loss of his Chair of Civil History in St. Andrews University if he joined the Free Church. That this fear could have been real is shown in the bitter attempts made by St. Andrews Presbytery to have Sir David Brewster deprived of his post as Principal of the United College.³⁴

The only minister on McCosh's second class list who is not included in any of these categories is William Elder. He had joined the Church of Scotland from the Original Secession Church in 1839. He became associated with the "most extreme section of the Evangelical side" and at the Convocation in 1842 had signed both sets of resolutions. Nevertheless he remained in the Established Church at the Disruption. Later he obtained the Crown presentation to the Parish of Tealing in the Presbytery of Dundee with a stipend of £172, a rise of £72.³⁵

In general, and excluding these eleven ministers, such differences in non-religious factors which existed between those ministers who adhered to the Established Church of Scotland and those who joined the Free Church appear to have been minimal. This is not to say that in individual cases such factors, and perhaps others that have not been discussed here, were unimportant.³⁶ This examination of non-religious factors has served to high light the importance of the theological factors involved in the Disruption.

34. chap.5 pp.146-55.

35. McCosh, *The wheat and the chaff*, 1843. p.72. Cupar Presbytery minutes 1st September, 1843. Dundee Presbytery minutes 7th and 27th September, 1843.

36. An example of a possibly important factor which has not been discussed here is the state of health of a minister's wife or child which might have been so poor as to make a change of environment inadvisable. Another such factor might have been the political allegiance of the minister concerned.

CHAPTER 8
CHARACTERISTICS OF ELDERS IN THE STUDY AREA JOINING THE FREE
CHURCH OR REMAINING IN THE ESTABLISHED CHURCH IN 1843

The office of elder in the Church of Scotland dates from the Reformation. It was instituted mainly as a part of the Genevan church order which was introduced to Scotland at that time. Another factor was political necessity.

It is doubtful whether John Knox and his small band of fellow ministers would have succeeded in overthrowing the Catholic Church without the active support of the Lords of the Congregation and it was natural that they should expect to have some position in the government of the church they had fought to establish.

Elders were first formally introduced into the Kirk under the "Eighth Head" of the First Book of Discipline in 1560. This declared that elders must be elected on a free vote by all members of each congregation and were to hold office for one year. They were to be chosen only from:-

"Men of best knowledge in Goddis word, of cleanest life, men faithfull and of most honest conversatioun that can be fund in the Church".²

They were to:-

"...assist the minister in all publick affaires of the Church; to wit in judgeing and decernyng³ causes; in geving of admonitioun to the licentious lever; in having respect to the manneris and conversation of all men within their charge".⁴

These duties had not greatly changed by the nineteenth century. In fact during the period covered by this study (1830-50) kirk sessions seemed to have spent most of their meetings in dealing with disciplinary matters, usually relating to sexual offences by the lower classes. Men of high social status, although sometimes named by women, were seldom brought before kirk sessions.

Twenty years later in 1581 General Assembly passed the "Book of

1. The signatories of the *First Bond* in 1557. This was a document declaring their determination to overthrow the Catholic Church. These lords later led the rebellion in 1559-60 against the French alliance and the Catholic Church.
2. John Knox *Works* vol. II p.233
3. A Scots legal term for giving judgement.
4. John Knox *Works* vol. II p.234

Policy"⁵ which declared that the office of elder was a spiritual one on a par with the ministry and was to be held for life. It also declared:-

"17. Their principall office is to hauld assembleis with the Pastouris and Doctouris, (quha ar also of thair nowmer,) for establishing of guid ordour, and exection of discipline: Vnto the quhilk assembleis all personis ar subiect, that remane within thair boundis".⁶

thus claiming the right for all parish kirk sessions to exercise control over the lives of the whole population of Scotland of whatever religious persuasion. It should be noted that notwithstanding the claims of General Assembly and popular beliefs outwith the country to the contrary the Presbyterian Church of Scotland has never been able to secure the whole-hearted adherence of the whole of the population of Scotland.

The Act of Settlement⁷ gave the elders together with the heritors of vacant parishes the right to propose a minister to fill the vacancy. The congregation could then accept or reject the proposal as they wished. These rights were removed by the Patronage Act in 1712.⁸

During the eighteenth century the role of parish elders slowly declined. Elders commissioned to General Assembly tended to be aristocrats, large landowners or Edinburgh lawyers who were often either related to or were the agents of the other two major groups.⁹

By the beginning of the nineteenth century some ministers did not feel it necessary to have a kirk session at all. Sometimes this situation prevailed for long periods of time. Dunbog Parish was without a kirk session from June, 1822 to March, 1835 and again from December, 1840 to July, 1844.¹⁰ There was no kirk session in the Parish of Flisk between 1809 and 1827 and also between December, 1836 -

5. Generally known as the Second Book of Discipline.

6. Acts of Gen. Ass. 1581 - *Book of Policy* Cap.VI pp.496-7

7. APS, Act concerning patronages, 1690, vol.9 pp.196-7

8. 10 Ann c.12 see Chap.1 pp.9-11

9. I.F.Maciver, *The General Assembly of the Church, the State and society*, (unpublished M.Litt Thesis, Edinburgh University) 1977

10. Dunbog Kirk Session Minutes

and November, 1859.¹¹ This situation was apparently accepted by the Presbytery of Cupar without demur as there is no record of any attempts to press the ministers in question to appoint elders. Ceres Parish was without a kirk session from 1807 to 1837 when four elders were ordained but only after pressure from Presbytery following a petition by 141 heads of families in Ceres for a kirk session. The petition was originally presented to presbytery in October, 1836 when the parishioners complained that their minister, Joseph Crichton, was unable to carry out his duties properly and that the parish poor fund was inadequately administered. Crichton (aged 82) said he had "fixed on seven respectable persons" but had not been able to carry out the ordination. Presbytery appointed a committee of three ministers to help Crichton form a session. The committee reported that four elders had been ordained in February, 1837.¹² At least ten more of the 52 parishes covered by this study were without kirk sessions for a greater or lesser period between 1832 and 1842.¹³

When a minister decided that new elders were needed the usual practice was for him to propose men he felt were suitable for the position. These proposals were invariably accepted by other members of the session and the formalities of ordination proceeded.¹⁴ The members of the congregation, apart from a seldom exercised right to object to a nominee on grounds of life or doctrine, had no part to play in the process. Thus a minister was in the powerful position of being able to shape his kirk session in the image he wanted by appointing, in a modern phrase, "yes men". How successful, in practice, ministers were in achieving this is discussed later in this chapter. (see pp.226-36 below)

After 1835 the new Popular Party majority in General Assembly annually introduced overtures designed to increase the importance of parish elders in all Church courts and to give communicants more

11. Flisk Kirk Session Minutes

12. Ceres Kirk Session Minutes, 4th October, 1836. 21st February, 1837.

13. Logie, Auchtermuchty, Creich, Strathmiglo, Kilmany, Kettle, Dairsie, Kinnauld-in-Gowrie, Abernyte and Monikie.

14. e.g., The kirk session minutes of Crail 14th June, 1832, Abernyte 5th March, 1839, Kilconquhar 6th July, 1834.

influence in their election. The Act of 1836 referred to elders who were to be commissioned by kirk sessions to higher courts and declared that:-

"...no elder should be eligible as a commissioner to the General Assembly who was not *bona fide* an acting elder in some particular kirk session and congregation of the Church."¹⁵

On three occasions the resulting interim act "Anent Elders" failed the test of the Barrier Act¹⁶ before being permanently enacted in 1839.¹⁷ In 1841 General Assembly passed a second interim act which provided for the election of new elders by the heads of family who were communicant members of a congregation. This became a law of the church in 1842.¹⁸

When the latter interim act was under discussion by St. Andrews Presbytery in 1842 ten ministers voted against accepting the act and six voted for its acceptance. However the elders voted eight to one in favour of it so that presbytery agreed to accept it by fourteen votes to eleven despite Robert Haldane's (St. Andrews, 1st charge) warning that the act contained "many evils and would make every parish the scene of contention and disorder".¹⁹ The result of this vote shows the importance of elders opinions in the period immediately prior to the Disruption.

Dundee Presbytery also approved of the Act by 24 votes to six. David Arnot (Dundee, St. Paul's) opposed the measure because it would diminish the power of a parish minister, would lead to the increased use of assessment for the poor fund and that the rights of property should have serious consideration in the selection of elders.²⁰ The reasons which Arnot gave for his opposition provide yet another interesting sidelight on Moderate thinking in regard to the government of the

15. AGA 1836 p.35 Act XII Overture anent the qualification of representative elders.

16. AGA, 1697. This act ensured that any act passed by General Assembly could only permanently affect the constitution of the Church if a majority of the presbyteries gave their consent.

17. AGA, 1839 p.25 Act XII Overture anent the qualification of representative elders.

18. AGA, 1842 p.23 Act X Act anent the election of elders.

19. Fife Herald 5th April, 1842. Fifeshire Journal 5th April, 1842.

20. Dundee Presbytery minutes 2nd February, 1842.

Church.

The new Act did not remain in force for long. The old method of selection of elders was restored by the General Assembly of the Established Church of Scotland in 1846.²¹

The differences in the importance given to elders by the Established and Free Churches is shown in the differences between their representation on the respective general assemblies. Each presbytery in the Established Church sent elders to General Assembly. Usually a presbytery would commission two elders but would also commission four ministers. A small presbytery, such as Dundee before 1834 and after 1844, was allowed only one elder to three ministers. Royal burghs²² were allowed to send one elder each, as were the four universities. In all, elders comprised about a third of the commissioners to Assembly. In the Free Church, presbyteries alone could commission elders, there were none from burghs or the universities. Elders comprised a half of the commissioners to the Free Church General Assembly. This arrangement did not meet with universal approbation within the Free Church. In 1846 the Free Presbytery of St. Andrews overtured their Assembly to consider allowing members of the Church in universities to be represented by elders on General Assembly.²³

HISTORIOGRAPHY CONCERNING THE ROLE OF ELDERS IN THE DISRUPTION

Studies relating to the Disruption of the Church of Scotland in 1843 have usually concentrated on the role of ministers in the controversies leading to this event. Lay elders, who were possibly even more influential in their local communities than the parish minister, have tended to be neglected.

This tendency is unfortunate as, although some ministers of smaller parishes did manage the affairs of their parishes without

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21. Act X Act rescinding the act of Assembly 1842, anent the election of elders, AGA, 1846. p.17. The Act was passed by 153 votes to 42. Abridgement p.40.
 22. The difference between royal and other burghs has been discussed in Chap.1 p.7 n13. There were seven such burghs in the study area.
 23. Free Church Assembly Papers 1845-8.

elders²⁴, no minister of the Established Church of Scotland, especially before the enactment of the new Poor Law in 1845²⁵, could carry out his civic and church responsibilities effectively without the support of a kirk session. Elders were necessary to administer the parish poor fund²⁶, and to exercise church discipline. Parishes without a viable kirk session, such as Flisk and Dunbog, were usually quite small.²⁷ In these parishes the minister took upon himself the day to day administration of the parish poor fund. However the minister was unable to undertake the discipline of parishioners by himself and therefore it is to be expected that the discipline of the parish suffered.

In addition every kirk session could send a representative elder to meetings of the local presbytery and synod, thus giving the kirk session a voice in the policy making of the whole Church. As has been seen this right was not always exercised before the decision by the Court of Session in the first Auchterarder case began the final stages of the Church/State controversy in 1838.²⁸

Presbyteries also sent representative elders to General Assembly. Maciver shows that in 1834 landowners and Edinburgh lawyers constituted 70% of the elders commissioned to General Assembly. Their numbers steadily declined over the next eight years but these groups still constituted 49% of Assembly elders in 1842.²⁹

24. The quorum for a kirk session meeting was the minister and two elders. When a parish had less than two elders a presbytery could appoint two of their members (usually ministers) to act as assessors in the place of lay elders.

25. An act for the amendment and better administration of the laws relating to the relief of the poor in Scotland. 8 & 9 Vic. c.83 4th August, 1845. This Act, removed the control of poor relief from parish kirk sessions and placed it with locally elected parish boards. Nevertheless, in practice, elders continued to dominate these boards especially in rural parishes.

26. Act anent the poore. APS vol.VI ii p.220. 1st March, 1649

27. In 1841 the population of Dunbog was 219 and of Flisk 270. With the exception of Moonzie (pop. 174) they were much the smallest parishes in the Presbytery of Cupar. Ceres which was, however, also a parish without a kirk session for a number of years was one of the largest parishes in the presbytery area with a population of 2 833.

28. Chap.2 pp.39-42.

29. I.F.Maciver, *The Evangelical Party and the eldership*, 1978. p.10

OTHER STUDIES INVOLVING MID-NINETEENTH CENTURY ELDERS

Allan Maclaren in an important study³⁰ compares the social structure of Established and Free Church kirk sessions within the city of Aberdeen during the period 1832-52. In his study he uses three broad social categories to facilitate comparison between the several kirk sessions:-

- a. Upper middle class - to include lawyers and other professional men, bankers, large merchants and manufacturers, landowners and others living on private incomes.
- b. Lower middle class - doctors, public servants, teachers, clerks, small merchants, self-employed artisans and tradesmen.
- c. Working class - employed artisans and tradesmen, unskilled labourers.

As well as other sources Maclaren uses the enumerators' books for the 1851 National Census of Population to determine the social status of the members of the kirk sessions covered by his study. He finds that 66% of Established Church elders were upper middle class compared to 38% of Free Church elders.

Since Maclaren has included all elders who served on any of the kirk sessions in the Burgh of Aberdeen at any time between 1832 and 1852 his overall figures cannot be directly compared with those relating to the present study since the latter relate only to elders actually serving on kirk sessions in the study area in May, 1843. An examination of Appendix Z of Maclaren's thesis enables 116 elders to be distinguished as serving on kirk sessions in May, 1843. References to Maclaren's work later in this chapter relate only to these 116 elders and not to all the 301 elders included in his study.

The only other recent study of the social structure of church membership of the period is the study by Peter Hillis in 1978.³¹ He uses the baptismal registers of four Established, two Free, two United Presbyterian and one Reformed Presbyterian churches to seek to establish and compare the social structures of the whole of these nine

30. A.A. Maclaren, *Religion and social class in mid-nineteenth century Aberdeen*, (Ph.D. thesis, University of Aberdeen, 1971).

31. Peter L.M. Hillis, *Presbyterianism and social class in mid-nineteenth century Glasgow: a study of nine churches*, (Ph.D. thesis, University of Glasgow, 1978).

congregations. Hillis employs the same broad categories as Maclaren but labels them - high status, low status and working class.

In that part of his study relating to the social structure of kirk sessions Hillis confines himself to three Established kirk sessions (from a total of 26 in Glasgow) and only one Free Church kirk session (from a total of 33 in the city). Hillis does not indicate the basis on which he selected his sample of congregations. Presumably he was restricted to those whose still extant baptismal rolls cover reasonable periods of time. The small sample sizes would, in themselves, seem to prevent any definite conclusions being drawn as to the social structure of kirk sessions in the whole of Glasgow. The periods over which Hillis collected his data also make them incompatible with the data used in the present study.³² It is for these reasons that Hillis's work is not included in the discussions later in this chapter.

Both Maclaren and Hillis present interesting pictures of the social structures of kirk sessions in two of Scotland's cities a decade after the Disruption. They do not, however, shed any light on the situation in more rural parishes.

In a third study, James Laird³³ devotes some ten pages to a study of the eldership based on seventeen kirk sessions belonging to six different presbyterian sects over a period of seventy years. Laird observes that elders came from all walks of life and that congregations sometimes found it difficult to persuade men to accept office.³⁴ He also refers to the frequency of kirk session meetings and the functions of the eldership.³⁵ Finally he discusses the introduction of elders' districts and the variation between sects in the manner in which elders were appointed. Many of Laird's observations refer to periods and matters outwith the scope of the present chapter.

32. The periods in question were:- Barony Established Church 1850-1856; Govan Established Church 1856-63; St. George's Established Church 1841-61; St. Stephen's Free Church 1838-57. Hillis, *Presbyterianism and social class*, (1978), pp.286-7.

33. J.Laird, *Religion and life* (1977), chap.IVb.

34. These observations are amply illustrated by Appendix C below and by Chapter 5 pp.134-37 above.

35. The latter has been considered earlier see pp.6 and 207-208 above.

The rest of this chapter seeks to discover what social and other differences, if any, existed between elders, serving on kirk sessions in May, 1843, who remained committed to the Established Church and those who broke away to help found the Free Church. The apparent influence parish ministers had on that decision is also examined. The same three broad social categories used by Maclaren are employed in the tables which follow. This will not only facilitate comparisons with his work but will also facilitate the statistical calculations necessary to establish the significance, if any, of differences between the various groups of elders.

BACKGROUND TO THE DISCUSSION ON ELDERS

The main sources of information relating to elders within the bounds of the three study presbyteries at the time of the Disruption are the minute books of Established and Free Church kirk sessions and presbyteries together with the 1841 census enumerators' books relating to the several parishes. These have been supplemented, where possible, by other sources such as the 1851 census enumerators' books, tombstone inscriptions and books of reminiscences.³⁶

Kirk session minutes

It has not proved possible to include, in this chapter, all the 52 kirk sessions within the bounds of the study presbyteries.³⁷ Two parishes, Flisk and Dunbog, had no elders during the Disruption period. Information regarding the identity of the elders in another five parishes has not been located.³⁸

The minutes of 45 parochial and 20 Free Church kirk sessions yielded the names of 414 serving elders. In addition the Cupar Presbytery minutes gave the names of five elders on the kirk session of

36. These are listed in detail at the end of Appendix C.

37. Dundee is considered as a single *quoad omnia* parish and not as 14 *quoad sacra* parishes. The main reason for this is the minute books of the *quoad sacra* kirk sessions have been lost while the minutes of the General Kirk Session are extant. Furthermore Dundee, except for the period 1834-1844, had always functioned as one parish.

38. Abdie, Balmerino* in Cupar Presbytery; Tealing in Dundee Presbytery; Dunino, Elie* in St. Andrews Presbytery. Kirk session minutes of parishes marked * have been definitely lost

Cupar, St. Mary's and those of St. Andrews Presbytery gave the names of four elders on Strathkinness kirk session³⁹, making a total of 423 serving elders in the study presbyteries just prior to the Disruption.

Identification of elders

Kirk session minutes provide the names and, usually but not always, the dates elders were ordained together with their occupations. It is, for example, not uncommon for gaps of a year or more to occur in a record of kirk session meetings so that the ordination of a group of elders could have been omitted. In these circumstances the ordination of an elder must be inferred from the inclusion of his name in later sederunts. This fact accounts for the number of vague periods of service (indicated by "+") included in Appendix C.

180 elders are recorded in kirk session minutes solely by their names. 114 of them have been positively identified in the 1841 census enumerators' books. Of the remaining 66 elders the occupations of 44 have been found from the 1851 census enumerators' books and other sources leaving just 22 unidentified. The problem with most of these elders is the impossibility of deciding which of several men with the same name living in the same parish was the one who became an elder. For instance, in the 1841 census enumerators' books for the Parish of Dundee there were four men called Matthew Love all of whom followed occupations similar to those of other elders (in fact two were hand loom weavers) and were of a suitable age. Therefore they could not be separated on either of these grounds.

Social grouping of elders

In this study the classification of elders into social groups has followed Maclaren but with certain modifications. The terminology of the groups has been changed to:- "high status", "middling status" and "low status". In addition the number of living-in domestic servants employed by a family has been taken as an additional indicator of social status.

39. The congregations of these two churches had been members of the Original Secession Church before its re-union with the Established Church of Scotland in 1839. The minute books of their kirk sessions have been lost.

The reasons for the change of terminology from "class" to "status" are twofold. The term "social status" attracts less opprobrium and discussion⁴⁰ than does "social class" and also "status" is possibly a more accurate term in the context of this study. In the early 19th century there was not the tight social grouping of men of similar social status into socio-economic bands whose joint interests were opposed to those of higher/lower status which developed later in the century. It is these later groups which can more properly be termed "classes". Furthermore, none of the elders studied by Maclaren were aristocrats. The elders in this study include an earl, a baronet and a knight. To employ Maclaren's "social class" classification would involve using a fourth group of elders above his "upper-middle class" whereas these gentlemen can easily be included in a "high status" group.

The number of resident servants employed by a household is a good indicator of the social status of the employer. The higher the number of servants employed so the greater their master's income must be in order to pay, feed, house and provide uniforms for them. Servants are also a pointer to the standard of housing occupied by the employer's family. Someone employing three resident servants would almost certainly occupy a larger, more expensive house than someone employing just one servant. For the purposes of this study the relationship between social status and the number of resident servants in a household has been assumed to be that shown in Table 8.1 (p.218). Where alternative groupings are shown the elder's occupation is the deciding factor.

The number of domestic servants employed by a family is not, however, an infallible indicator of social status. Families, even in the "high status" group, with a number of adult daughters at home, sometimes seem to have expected them to do some or all of the servant's work. John Matthewson, an apparently wealthy tea merchant in Dundee, with three adult daughters at home seems to have employed no resident servants whatever during the 1840s but this is not to say he did not employ them on a daily basis.

40. For example, whether or not it is better to use a Weberian or a Marxist model in defining "class".

TABLE 8.1

RELATIONSHIP BETWEEN SOCIAL STATUS AND NUMBER OF RESIDENT SERVANTS
IN A HOUSEHOLD

No. of servants	Social Status
0	low or middling
1	middling
2	middling or high
3 or more	high

Any attempt to categorise men into wide social groups inevitably gives rise to borderline cases. In such cases personal opinion becomes the deciding factor and its use could lead to controversy. This study is no exception. There is a need to distinguish between large (high status) and small (middling status) manufacturers. The Dundee Directory for 1842-3 showed only what businesses existed without reference to their size. The situation in Dundee is further complicated by the fact that hand loom weavers in the burgh were, during the first half of the 19th century, often known as manufacturers. The term was not necessarily applied solely to factory owners although a few did own shops in which a number of weavers worked together.⁴¹ Thus a manufacturer (high or middling status) could employ other manufacturers who would be of low status.

In this study handloom weavers who were elders are included in the middling status group. Weavers in North East Fife traditionally wove their own yarn and sold their own cloth even in times when profit margins were low.⁴² There is no evidence to show this tradition was much changed by the 1830s when most of the hand loom weavers listed in Appendix C were ordained. The New Statistical Account for the parish of Newburgh shows that hand loom weavers in the parish went salmon fishing in season and only wove in bad weather. This would argue that they were self-employed (middling status) rather than employed (low status) artisans since no employer would have tolerated such irregular

41. E. Gauldie (ed), *Dundee textile industry* (1969) p.16n

42. see, for example, the Statistical Account for the parish of Newburgh. A good modern study of hand loom weavers in Paisley confirms this point. T. Clarke and T. Dickson, *Class and class consciousness*, in, Tony Dickson (ed), *Capital and class in Scotland*, (1982). pp.17-18.

working habits. No doubt the practice was usual in other parishes on the Tay estuary.

A small number of hand loom weavers in all three of the study areas employed a resident servant although only one or possibly two of those who were elders seem to have done so.⁴³ The hand loom weavers listed in Appendix C had one or two living-in apprentices. John Smith, Leuchars, had two young journeyman hand loom weavers as well as apprentices living in. Furthermore to have been elders these men must have attended church regularly and have paid pew rents rather than have occupied free seats. In addition it is reasonable to assume that they and their families had decent clothes to wear on these occasions. These points taken together argue that the hand loom weavers who were ordained elders were not mere employees, at least at the time of their ordinations.

Farmers are another group of men whose social status can be doubtful. In this study farmers who were referred to as "esquire" in church records are assumed to be landowners and so of high status. Farmers not given the honorific are assumed to be tenants and hence of middling status unless other factors, such as number of resident domestic servants, indicate otherwise.

Census enumerators' books.

The enumerators' books for the 1851 National Census of Population are generally agreed to be a "better" source of sociological information for historical studies than the books relating to the 1841 census.⁴⁴ Whatever its intrinsic value, however, a source is only as good as the use to which it can be put. Therefore, intrinsic value is not necessarily the crucial factor in the decision to use a particular source.

The 1841 census books (not without serious inadequacies) have been considered to be the more suitable source for the present study for a number of reasons. The 1841 census books yield information on 61%

43. John Duncan, a hand loom weaver in Dundee, employed a servant. It is not possible to decide if he was the John Duncan, elder in Dundee, as there were three other men of the same name who could have been the elder in question.

44. see, e.g., D.Mills, *A guide to census enumerators' books*, (1982)
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of elders listed in Appendix C while the 1851 census books give information on only 44%.

During the decade between 1841 and 1851 some elders had changed their social status. John Ireland, Ferryport-on-Craig, had changed from a hand loom weaver (middling status) to a light keeper (low status) and John Anderson, Largo, became the gas manager (middling status) having begun as a labourer (low status). Others had moved from one parish to another as did A.O.Dalglish, who moved from Creich to Cupar.⁴⁵ Still others did both. William Tasker had been forced to resign as parochial schoolmaster (middling status) in Falkland following the Disruption and became the minister (high status) of Edinburgh, West Port Free Church.⁴⁶ Many elders, especially those more advanced in age, died during the intervening years. 121 of the elders listed in Appendix C were over 55 in 1841. Only 54 (45%) of them have been located in the 1851 census enumerators' books. Some of the 67 missing elders could have moved to other parishes but it seems reasonable to assume that, because of their age, the majority of them had in fact died. For example, George Cook (St.Leonard's) died in 1845 aged 72 and George Cunningham (Moonzie), who was in his late sixties, died in 1846.⁴⁷

Inadequacies of the 1841 census

One defect of the 1841 data is that the enumerators were instructed to "round down" the ages of adults to the nearest five years below their actual ages. Thus any elder whose age is recorded in Appendix C could have been as much as four years older than that shown.

The enumerator's books for ten of the parishes in Cupar Presbytery⁴⁸, involving 22 elders, together with those of a number of other parishes in West Fife are missing. These books are believed to have been lost overboard from the ferry crossing the River Forth shortly

45. Appendix C and 1851 census enumerators' books for the relevant parishes.

46. Appendix C and p.184 above.

47. *The Scotsman*, 17th May, 1845; Cupar Presbytery minutes, 3rd November, 1846.

48. Abdie, Auchtermuchty, Balmerino, Ceres, Collessie Creich, Cults, Cupar, Dairsie and Dunbog

after the census. The usual entries relating to these parishes were published in the summary tables for the census.⁴⁹

There is, also, a surprising number (54) of households of elders not recorded in the census at all. It is difficult to understand the reason for this. Fourteen (26%) of the 54 elders involved were of high status. Of these fourteen; three were writers living outside the parishes in which they were elders (probably in Edinburgh) and very seldom attended kirk session meetings⁵⁰; another six were major landowners and three were professors in St. Andrews.⁵¹ It is possible these gentlemen either refused to give personal details of themselves and their households to the enumerators or that the enumerators were too nervous to approach them at all. This explanation, even if justified, would not apply to the other forty elders of lower social status who were not recorded in the census. At least one elder was deliberately omitted from the census returns. John Watson, an elder in Kilconquhar parish, was the schoolmaster at Earlsferry. He was appointed census enumerator for the village but did not include himself or his family in the returns. It is not possible to say how widespread the omission of names was. There seem to have been no published studies involving the detailed checking of the 1841 census enumerators' books against a list of known inhabitants of a wide area.

Personal details of elders

Appendix C contains such relevant details of the 423 known elders from the study presbyteries as it has proved possible to obtain. The chronological age of elders recorded in the 1841 census has been

49. Parl. Papers - 1841 census - vol. 3

50. One such elder was Walter Malcolm, a writer in Edinburgh, who was ordained an elder in Newburgh on 1st March, 1835 "at the instance of the minister". The kirk session minutes record that he was a heritor of the parish "and pays the minister's stipend" and that he had produced a certificate from Edinburgh, St. George's Church showing he was in full communion with the Church. In 1835 and 1836 he attended only the December meetings of the kirk session when the poor rate was fixed. He did not attend another meeting until 2nd March, 1840 when he asked for a certificate that he was a *bona fide* acting elder of the parish under the terms of the 1839 General Assembly act on representative elders. "The kirk session unanimously agree to comply with his request". Newburgh kirk session minutes.

51. Thomas Jackson, David Scott and Adam Anderson.

retained and ages obtained from other sources have been rounded down to make them compatible. Little advantage is gained by adding two years to each man's age to take account of the time lapse between the census and the Disruption. The comparison between the ages of elders who seceded with the ages of those who did not (pp.248-50 below) is based on five year age bands so that any difference made by altering the recorded ages would be trifling.

SIZE OF KIRK SESSIONS

Within the three presbyteries under consideration kirk sessions varied markedly in size from none to 180 elders. The two parishes of Flisk and Dunbog were without kirk sessions. Only two parishes had more than ten elders on their kirk sessions - St.Andrews with 23 and Dundee with 180 elders.⁵² Eighteen (42%) kirk sessions had between four and six elders.

In general the number of elders on a kirk session reflected the size of the population of the parish, with larger parishes having more elders than smaller parishes. Of the ten parishes with 7 -23 elders only three had populations of less than 1500.⁵³

There were exceptions to this trend. The size of kirk sessions at times reflected the number of "high status" men living within the parish boundaries irrespective of the size of its population. St.Leonards parish, with a population of 554, had ten elders, eight of whom were of high status. Half of the six elders in Collessie parish (pop. 1 346) were also of high status. This explanation cannot be applied to Pittenweem kirk session. This parish had a population of 1 339 and ten elders. This session was larger than any other in the study area with the exception of St.Leonards, St.Andrews and Dundee. At Pittenweem only one elder, the town clerk, was of high status. There seems to be no apparent reason for this large number of elders

52. The special circumstances for the large number of elders in Dundee are discussed below p.223.

53. The 1841 census shows the populations of the 52 parishes included in this study to range from 174 (Moonzie) to 62 794 in Dundee. 24 parishes had populations of less than 1 000 and 14 others had less than 2 000. Only three parishes had populations of more than 4 000 - St.Andrews (6 017), Cupar (6 758) and Dundee.

except that two of the long serving members were well over 75 years of age and a third was possibly over 70 in 1843. It is possible that these three elders had ceased to take a very active part in session affairs.

The composition of St. Andrews kirk session reflects three possible influences on the size of kirk sessions. These are, large population (6 017), wide area (11 482 acres) and the felt need to grant recognition to men of high social standing. With 23 elders the session was more than twice the size of any other session in the study area (except Dundee). A larger than normal number of elders would have been needed to oversee the large scattered population. There were nine settlements in the parish outside the burgh of St. Andrews. In addition to this demand for elders there were also ten (43%) elders of high status serving on the session.

The parish of Dundee and its kirk session were unique in the Church of Scotland. Despite its rapidly growing population, from 12 426 in 1766⁵⁴ to 62 794 in 1841, the parish remained undivided for civil purposes, and thus the poor fund was managed by a General Kirk Session. In order to cope with increasing demands on the parish minister, the charge had been made a collegiate one as early as 1588. Further ministers were added from time to time⁵⁵ until by the end of the 18th century there were five ministers in the collegiate charge.

In a similar way the numbers of elders on the kirk session had increased with the population until, by 1834, there were 110 elders.⁵⁶ After 1834 the original *quoad omnia* parish was progressively divided into *quoad sacra* parishes each with its own kirk session.⁵⁷ By 1843 there were 14 such ecclesiastical divisions and the number of elders had grown to 180. All these elders and ministers continued to meet together every fortnight as one General Kirk Session to conduct the concerns of the Church, most notably the poor law, relating to the civil parish of Dundee.

54. New Statistical Account, Dundee parish.

55. The 3rd charge was instituted in 1611, the 4th in 1759 and the 5th in 1798.

56. Dundee General Session minutes - December, 1834.

57. Chap.3 pp.63-64; 68-69

INCIDENCE OF ELDERS JOINING THE FREE CHURCH

Table 8.2a shows clearly the divergence between the three study presbyteries in the proportion of elders who left the Established Church in 1843. The variation in the rates of secession reflect the differences in attitude to the Church/State controversy exhibited by these presbyteries and which have been more fully discussed in earlier chapters.⁵⁸ St. Andrews Presbytery is particularly illustrative of this point in the pronounced bias shown towards the Moderates and thus to adherence to the Established Church.

It is difficult to say how far the overall percentage (54%) of seceding elders in the study areas reflects the national incidence of secession. The data in Table 8.2a refers to 423 elders representing 65 parishes⁵⁹ of very varied social, economic, demographic and ecclesiastical complexion which is more than 5% of all the 1 248 parishes in Scotland.⁶⁰ With a sample of this size it is reasonable to expect that the pattern of secession revealed would not be greatly different from the national pattern.

TABLE 8.2a
NUMBERS OF ELDERS IN THE STUDY AREA JOINING THE FREE CHURCH OR
REMAINING IN THE ESTABLISHED CHURCH

Presby.	Total Elders	Join F.C.		Stay Estab.	
		no.	% age	no.	% age
Cupar	66	38	57.6	28	42.4
St. Andrews	122	39	32.0	83	68.0
Dundee	235	150	63.8	85	36.2
Total	423	227	53.7	196	46.3

Source. Appendix C

It is clear (from Table 8.2a) that there was a heavy loss of elders to the Free Church. The effects of this loss have been discussed in Chap.5. It is also clear that the incidence of secession among elders in large urban centres was even greater than that in rural and semi-rural areas. Table 8.2b shows the proportions of

58. Chap.2 *The Veto Act.* Chap.3 *The Chapel Act.*

59. Including 2 without elders and 16 *quoad sacra* parishes.

60. McCosh, *The wheat and the chaff*, (1843) p.12.

elders joining the Free Church in Dundee and Aberdeen, two large burghs of comparable size. The incidence of secession by elders in the latter burgh was at least 2% and possibly as much as 11% less than in Dundee.⁶¹ This result is somewhat surprising given that all fifteen ministers in Aberdeen joined the Free Church and that only eleven (73%) of the fifteen ministers in Dundee did so.⁶²

TABLE 8.2b

NUMBERS OF ELDERS IN TWO BURGHS JOINING THE FREE CHURCH OR
REMAINING IN THE ESTABLISHED CHURCH

Burgh	Total Elders	Join F.C.		Stay Estab.		Uncer- tain	
		no.	%age	no.	%age	no.	%age
Dundee	180	131	72.8	49	27.2	NIL	
Aberdeen	116	71	61.2	34	29.3	11	9.5

Sources:-

Dundee - Appendix C

Aberdeen - Maclaren, *Religion and social class*, (1971) App.Z.

Three of the four Dundee ministers who adhered to the Established Church⁶³ were ardent supporters of the Moderate cause and thus would never have considered seceding from the Establishment. The fourth minister, James Thomson (St.Clement's), had been a local Non-intrusionist leader, who, when the crunch came, refused to honour the commitments he had made when he signed both sets of convocation resolutions. Ministerial influence and adherence to the 'Auld Kirk' did not prevent at least twenty elders and 2 000 members of these congregations joining the Free Church after the Disruption.⁶⁴

As has been shown earlier in this study some 46% of communicants in the study areas joined the Free Church in 1843, a rather higher proportion than earlier estimates made by J.M.Reid (38%),

61. The wide range of uncertainty in the size of the difference between the two burghs is due to the number of elders in Aberdeen whom Maclaren was unable to allocate to a kirk session after the Disruption. This problem did not arise in Dundee. Maclaren, *Religion and Social Class*, (1971), App.Z.

62. The ability of ministers to influence elders on the Church/State question is fully discussed in the next section of this chapter. pp.226-36 below.

63. Archibald McLachlan (St.Mary's), Charles Adie (South) and David Arnot (St.Paul's).

64. Chap.7 above; Dundee Free Presbytery minutes 21st June, 1843.

J.H.S. Burleigh (33%) and Stewart Brown (40%) for the whole Church.⁶⁵ This taken with the high percentage of elders, in the study presbyteries and in Aberdeen, who seceded suggests that the size of the secession to the Free Church was in fact rather larger than has been previously considered likely.

THE INFLUENCE OF PARISH MINISTERS

The importance of the influence which parish ministers could exert over their congregations has been touched on previously in Chap.6. In this section ministerial influence is examined more closely. Table 8.3 shows the number of elders in the three study presbyteries who did or did not support their parish minister in the Church/State controversy in 1843. The table reveals that 73% of serving elders took the same side as their minister at the Disruption. This would seem to support an argument that parish ministers were able to exert considerable influence over their elders, but it does not provide evidence regarding the manner in which such influence may have been exerted.

It is clear from pre-1842 kirk session minutes that new elders were invariably chosen by the parish minister. The elders comprising the kirk sessions of the three study parishes which were collegiate

TABLE 8.3

ELDERS IN THREE PRESBYTERIES SUPPORTING/NOT SUPPORTING THEIR PARISH MINISTER IN THE CHURCH/STATE CONTROVERSY IN 1843

Presbytery	Elders supporting their minister		Elders not supporting their minister	
	no.	%age	no.	%age
Cupar	38	58	28	42
St. Andrews	95	80	24	20
Dundee	149	74	52	26
Total	282	73	104	27

Source:- Appendix C

Note:- In the Dundee burgh parishes the records are insufficiently precise to allow 34 known elders to be connected to a particular parish minister and they have been excluded from this table as have three elders from the parish of Newburn (St. Andrews Presbytery) which was vacant in May, 1843

65. pp.163-66 above.

charges^{es} have been omitted from Tables 8.4 and 8.5 because of the difficulty, often impossibility, of discovering which minister among the incumbents, if any, had been responsible for the ordination of each individual elder. The three elders of Newburn parish (Presbytery of St. Andrews) are also excluded because the parish minister died three months before the Disruption so that it is not possible to say, with certainty, whether or not he would have seceded to the Free Church.

As a result of these exclusions the total sample size, for Tables 8.4 and 8.5, has been reduced to 207 elders representing 44 rural and semi-rural parishes. Although it is unfortunate that the elders of the urban parishes in the study have had to be ignored the conclusions reached are reasonably valid for the types of parish considered.

Table 8.4 shows the numbers of elders who did or did not support the minister who ordained them where that minister remained in the Established Church. This table also contrasts these data with those relating to elders on the same kirk sessions who had been ordained by a previous parish minister. Table 8.5 (p.228) shows similar data relating to elders in parishes where the minister joined the Free Church.

It is clear, from an examination of the tables under discussion, that both ministers who seceded to the Free Church and those who remained in the Established Church, in each presbytery area, had been

TABLE 8.4
ELDERS IN PARISHES WHERE THE MINISTER ADHERED TO THE
ESTABLISHED CHURCH IN 1843

Presby.	Ordained by the incumbent			Ordained by a previous incumbent		
	F.C.	Estab.	Total	F.C.	Estab.	Total
Cupar	14	11	25	6	4	10
St. Andrews	12	48	60	5	3	8
Dundee	11	24	35	-	-	-
Total	37	83	120	11	7	18

Source:- Appendix C

Notes. The letters "F.C." in column headings mean the elders joined the Free Church and "Estab." means they remained with the Established Church.

66. Cupar and St. Andrews (two ministers each) and Dundee (five ministers).

TABLE 8.5

ELDERS IN PARISHES WHERE THE MINISTER JOINED THE FREE CHURCH IN 1843

Presby.	Ordained by the incumbent			Ordained by a previous incumbent		
	F.C.	Estab.	Total	F.C.	Estab.	Total
Cupar	12	4	16	2	4	6
St. Andrews	18	6	24	2	1	3
Dundee	8	7	15	-	5	5
Total	38	17	55	4	10	14

Source - Appendix C

Note. as for Table 8.4

able to recruit elders who held similar views to their own on the issues involved in the Church/State controversy. The apparent anomaly in the Cupar area shown in Table 8.4 does, in fact, reinforce the statement made in the last sentence. William Elder, minister of Cupar St. Mary's (*quoad sacra*) had been a strong supporter of the Non-intrusionist party and had signed both sets of convocation resolutions (p.99 above). He had ordained five elders shortly after his induction to that charge (at that time an Original Seceder church). After the Disruption, Elder refused to leave the Established Church (p.85-86 above) while his kirk session remained faithful to their beliefs and joined the Free Church.

The closeness of the data in Table 8.5 for the Dundee area and drawn from just four kirk sessions, illustrates the difficulty of attempting to base too firm conclusions on a very small sample. The only known elder ordained by James Miller (Monikie) did not follow him into the Free Church. Robert Walker did not ordain any elders after the six who joined his kirk session in 1834. At that time it had not been apparent that a major controversy would develop concerning the Veto and Chapel Acts. Thus Walker may not have been aware that he might soon be needing the support of his kirk session in the stance he was to take on the issue. In the event only one of his elders accompanied him into the Free Church after the Disruption.

Overall there was a remarkable similarity between the successful, from the clergy's viewpoint, selection of elders shown by non-urban ministers who later stayed with the Establishment and by those

who joined the Free Church. Both groups had a 69% success rate and misjudged the reaction of 31% of the elders they ordained.

Another possible test of the effectiveness of ministerial influence on the eldership is to be found in the proportion of elders who supported a minister's stance in the controversy but were not ordained by him. Tables 8.4 and 8.5 reveal that of the 32 elders in this category 17 supported their minister while 15 did not. In the absence of any information regarding the original opinions of these elders it is, however, impossible to reach any conclusions concerning ministerial influence on these men. Doubtless they, in common with all elders who were ordained before 1834, examined the issues involved in the Church/State controversy and reached their own conclusions with but little reference to their parish minister's opinions. The main difference between these elders and most of those who accepted office later is that the former adopted their stance after, instead of before, ordination.

Not all ministers had the opportunity to exert much influence. James Cochrane (2nd charge, Cupar) and William Reid (Kettle) were inducted only eight months before the Disruption. James Taylor was admitted to Flisk Parish, where there were no elders, on 14th April, 1843 and joined the Free Church a month later, on 18th May, 1843.

William Reid, apart from the short time he had been minister of Kettle, suffered an additional handicap to his ability to exert any influence over his parishioners in the Church/State controversy. Trouble began at the Cupar Presbytery meeting to moderate a call to Reid after his presentation by the Crown, the patron of the parish.⁶⁷

The call was duly signed by seventeen heritors and 38 heads of family. Eleven individuals entered special objections to the call.

67. Crown patronage was invariably exercised by the Home Secretary of the day who was almost always an Englishman. In 1842 the office was held by Sir James Graham who was a Tory, a High Anglican and a bitter opponent of the Scottish non-intrusion movement. C.S. Parker, *Sir James Graham* (1907). There can be no doubt that a Home Secretary, lacking personal knowledge of individual Church of Scotland ministers, would consult Scottish advisers. However the final decision was his and this would depend upon which of his advisers would seem to offer the most advantages to the government of the day if that person's advice was taken.

They alleged that Reid held views inconsistent with the standards of the Church as interpreted by General Assembly. It was also claimed that until recently he had voted with the non-intrusionists on General Assembly but had changed in order to get the living at Kettle.⁶⁸ Finally the objectors declared that Reid had agreed with the patron to use his influence to support the encroachments by the civil Court of Session on "the spiritual, constitutional and legal jurisdiction of the Church".⁶⁹

If the last allegation had been proved true then Reid would have been guilty of improbity and could have been expelled from the ministry of the Church of Scotland. In the circumstances Presbytery had no option but to agree to investigate and to delay moderating the Call.

At its next meeting Presbytery decided that it would be incompetent for it to proceed further without a specific bill of libel being presented.⁷⁰ Four members of Presbytery dissented and complained to the Synod of Fife.⁷¹ Synod dismissed the appeal and remitted the case back to Cupar Presbytery with the instruction that if a libel was not laid before them at their next meeting they were to proceed with Reid's settlement. This deliverance led to appeals to General Assembly. Assembly sustained the appeals and ordered Cupar Presbytery to consider the second and third special objections and to allow the objectors to adduce proofs. Presbytery, at its next meeting, decided that not only were the objectors to provide evidence supporting their claims but that William Reid must also provide proof in exculpation and lodge the correspondence between him and the Home

68. This allegation is supported by McCosh who claimed that Reid had made a high profession of the principles of non-intrusion and spiritual independence. He had been a zealous supporter of the Evangelical side until he was settled in Kettle after which he acted with the Moderates. McCosh, *The wheat and the chaff*, (1843). p.72.

69. Cupar Presbytery minutes 1st April, 1842.

70. A bill of libel was a formal charge and could involve the accusers in considerable legal expenses.

71. Adam Cairns (1st charge, Cupar), Angus Macgillivray (Dairsie), James Anderson (Cults), ministers and David Maitland-Magill-Crichton, elder. Cupar Presbytery minutes 8th April, 1842. Of these men only James Anderson adhered to the Established Church at the Disruption.

Secretary with the presbytery clerk before the next meeting.⁷²

Some of this correspondence was read at the July, 1842 meeting of Cupar Presbytery. Graham had written, he knew Reid was anxious to obtain the charge and continued:-

"I am led to believe that you will prove yourself worthy of this sacred trust; that your Ministrations will edify the people committed to your care, and that you will justify by your conduct in these trying times the confidence which I am willing to repose in you."

To this Reid had replied:-

"...and my endeavour ever will be by my conduct in that charge, and by my diligence in the performance of the various duties devolved upon me, to prove myself worthy of the confidence you are willing to repose in me."

As can be seen these letters were sufficiently ambiguous as to make a charge of improbity difficult to maintain. The objectors pointed out the letters did not fully vindicate Reid's conduct but stated they were ready to give him the benefit of the doubt and withdraw their objections.⁷³ Despite the formal withdrawal of complaint there was clearly a body of opinion among the parishioners which thought Reid had indeed been guilty. This is shown by the secession of three of the four members of the kirk session at the Disruption.

The Kettle incident was not an isolated one. A similar case was raised in April, 1842 at a meeting of the Presbytery of Glasgow. This centred on Mr. Corkindale, presentee to Ladykirk Parish. It was alleged that Corkindale had received a letter from Sir James Graham dictating the policy the former was to follow in the parish. Presbytery at first refused to proceed with the induction but this decision was reversed by the Synod of Glasgow and Ayr. In reporting the case the *Fife Journal* commented that this was "a sign of the times not to be mistaken. We shall hear less of Non-intrusionist clamour and Church bickerings by-and-by."⁷⁴

72. Synod of Fife minutes 12th April, 1842. Cupar Presbytery minutes 14th June, 1842.

73. Cupar Presbytery minutes 26th July, 1842.

74. Fife Journal 4th and 21st April, 1842

Elders of some occupational groups tended to adhere to the Established Church irrespective of the opinions of their parish ministers. This is particularly apparent with schoolmasters and with farmers and landowners.

There were 35 teachers among the study elders but only 8 (23%) joined the Free Church. A probable explanation is that many parochial schoolmasters refused to risk losing, not only their employment, but also, their homes for the sake of religious principle. This risk was very real; since William Tasker, the schoolmaster in Falkland, was forced to resign after he had joined the Free Church.⁷⁵ He was the only rural schoolmaster among 24 such elders, who left the Established Church in 1843. Further support for the contention is found if the situation of teachers in the Parish of Dundee is examined separately. Although the Established Church exercised a general oversight of all schools in the parish the majority of teachers were employed by, or were, the owners of the schools and not directly employed by the parish heritors as was the case with parochial schoolmasters. Thus teachers in Dundee could be more independent of pressures from ecclesiastical sources. Seven teachers were members of the Dundee General Session but only one remained with the Established Church after the Disruption.

Of the 52 farmers included in Appendix C only 19 (37%) joined the Free Church. Forty farmers were of middling status and were probably tenants. Some of them may have feared their leases would be cancelled or not renewed if they seceded. Certainly 24 (60%), of the group of middling status farmers, did remain with the Establishment. There is little doubt that some landowners did issue threats of eviction. The *Fife Sentinel* newspaper reported that one large landowner in Kettle parish had threatened to dismiss any of his dependents who supported the Free Church.⁷⁶

75. Falkland kirk session minutes 14th November, 1843. Tasker was later selected by Thomas Chalmers as the minister for his West Port project in Edinburgh. see p.184 above.

76. *Fife Sentinel* 20th April, 1843.

Table 8.6a shows the degree of support given to parish ministers in the study presbyteries by their elders in each of three social status groups. There seems to have been little difference between the proportions of elders in the high and middling groups who supported their ministers in Dundee and St. Andrews presbyteries. In these presbyteries ministerial and lay opinion on the issues involved in the Church/State dispute was strongly held; towards the Moderate side in St. Andrews and against it in Dundee. Thus it is not surprising that elders in these areas should have tended strongly to support their ministers. What differences there were can be attributed to the relative sizes of the various groups in each presbytery.

The 35 high status elders in the St. Andrews area represented 28.7% of the eldership in that presbytery whereas the thirty elders in the same category in Dundee Presbytery constituted only 12.8% of the eldership. The more evenly divided support by elders in Cupar Presbytery reflected the evenly divided opinion among parish ministers which has been discussed earlier in this study.

The low status group in each presbytery appears to have been different. There is a total of 19 elders in this group representing

TABLE 8.6a

THE SOCIAL STATUS OF ELDERS IN THREE PRESBYTERIES WHO SUPPORTED OR DID NOT SUPPORT THEIR PARISH MINISTER IN THE CHURCH/STATE CONTROVERSY

Status	Cupar		St. Andrews		Dundee		Total	
	supp.	not supp.	supp.	not supp.	supp.	not supp.	supp.	not supp.
High	14	7	29	6	26	4	69	17
Mid.	22	18	58	18	110	39	190	75
Low	2	0	4	0	11	2	17	2
Unknown	0	3	4	0	2	7	6	10
Total	38	28	95	24	149	52	282	104
Support unknown	0		3		34		37	
Grand total	66		122		235		423	

Source:- Appendix C

Note. The records of Dundee burgh parishes are insufficiently precise to allow 34 known elders to be connected with a particular minister. Newburn parish in St. Andrews Presbytery was vacant so that the three elders in that parish had no minister to support.

4.5% of all elders in this study. All except two supported their parish minister. One was a forester in Abernyte who joined the Free Church and the other was a cooper in Dundee, St. David's who adhered to the Established Church. These figures suggest three possible explanations:- that ministers were able to exert greater influence over this group than over the other two groups; that ministers were more carefully selective in their choice of low status elders than they were with the other groups; that these elders were under greater economic pressure from outside sources, possibly at the instance of the minister, than the other groups. It is likely that the true explanation involves all three possibilities. However it is even more probable that outside economic pressure was the decisive factor, especially with those elders who remained in the Established Church.

Table 8.6b gives similar information to that of Table 8.6a but in relation to the burghs of Dundee and Aberdeen. In both burghs elders of high and middling status tended to be very supportive of their ministers although this support was less marked in Aberdeen, where all fifteen ministers joined the Free Church, than in Dundee where only eleven of the fifteen ministers did so. The difference can possibly be explained by the fact that at least some of the elders in Dundee who remained in the Established Church were members of congregations whose ministers did not secede and are thus shown as supporting their minister. There was no such opportunity open to similar elders in

TABLE 8.6b

SOCIAL STATUS OF ELDERS IN TWO BURGHS WHO SUPPORTED/DID NOT SUPPORT THEIR PARISH MINISTER IN THE CHURCH/STATE CONTROVERSY

Stat.	Dundee				Aberdeen			
	supp.	not supp.	supp. not known	total	supp.	not supp.	supp. not known	total
High	19	0	2	21	36	25	6	67
Mid.	87	26	26	139	25	7	3	35
Low	10	1	0	11	0	1	0	1
Unknown	1	2	6	9	10	1	2	13
Total	117	29	34	180	71	34	11	116

sources:- Dundee - Appendix C

Aberdeen - Maclaren, *Religion and social class*, (1971)

Aberdeen. The whole question of the differentials of secession by the elders of the various social groups is discussed in the next section of this chapter.

Thus far in this section, the power of a minister positively to select new members of his kirk session has been discussed. It would seem that a minister also had the negative power to prevent the ordination of a man he did not wish to be an elder.

John Murray had been inducted to the charge of Dunbog Parish on 11th May, 1838 and joined the Free Church in May, 1843. In 1841 one of his two elders died. Thus it became important that at least one elder be found to make a viable kirk session. In the meantime Cupar Presbytery appointed three ministers (all of whom seceded at the Disruption) to act as assessors to enable the functions of the session to be carried on. An election was held on 8th January, 1842. As a result Henry Walker, a farmer, was elected to fill the vacant seat on the kirk session. Murray, following the usual practice, called on Henry Walker to ascertain if he was willing and suitable to become an elder.

At the ensuing kirk session meeting, attended by the three assessors and Robert Walker, the remaining parish elder, Murray reported on his visit to the elder elect. He said he had found that the worship of God was not regularly maintained in the Walker family and claimed that as such worship was "a qualification for Eldership required by the rules of the Church" Henry Walker was not suitable to be ordained as an elder. The three assessors agreed with him and decided no further action should be taken. Murray was urged, however, to continue to seek suitable men to become elders. At this, Robert Walker, possibly a relative of Henry, resigned from the session. Thus no elders were left in the parish. This situation continued until August, 1844 when Henry Walker and another farmer were ordained to the eldership.⁷⁷

77. Dunbog kirk session minutes 22nd April, 1842; 28th June and 26th August, 1844. James Laird relates this story twice. *Religion and life*, (1977) IVb p.9 and again on IVb p.10. He also mentions Henry Walker's ordination twice (IVb pp.1-2 and 10).

In summary, it is fair to say that ministers could, and did, influence the selection of elders. They were not able, always to overcome other factors, notably economic pressure, in the decision made by individual elders about whether or not to leave the Established Church.

THE SOCIAL STATUS OF ELDERS

Table 8.7 shows how elders of different social status categories, serving on kirk sessions in the study area, reacted to the Disruption of the Church of Scotland in May, 1843. The following table, Table 8.8 (p.245 below) contrasts the ratios of secession shown by elders of the three social status groups in the Burgh of Dundee with those shown by elders of similar status in the Burgh of Aberdeen.

Table 8.7 reveals the small number of men of low status who were ordained as elders throughout the study area. The differences between elders of the other two status categories in the way they exercised their option to remain within or to leave the Establishment reflect the general attitudes, to the issues involved in the Church/State controversy, held within their presbyterial areas.

The numbers of low status elders are too small for any valid conclusions to be drawn. Except to say that it is noteworthy that in the Dundee Presbytery such elders showed a strong tendency to leave the Established Church. This can be attributed to two factors.

TABLE 8.7

SOCIAL STATUS OF ELDERS IN THREE PRESBYTERIES JOINING THE FREE CHURCH OR REMAINING IN THE ESTABLISHED CHURCH IN MAY, 1843

Status	Cupar		St. Andrews		Dundee		Total	
	F.C.	Estab	F.C.	Estab	F.C.	Estab	F.C.	Estab
High	12	9	8	27	16	16	36	52
Mid.	22	18	29	50	114	61	165	129
Low	1	1	1	3	12	1	14	5
Unknown	3	0	1	3	8	7	12	10
Total	38	28	39	83	150	85	227	196
Grand Total	66		122		235		423	

Source - Appendix C

Eleven of these elders were serving on *quoad sacra* kirk sessions and men of all social status groups serving on such sessions tended to join the Free Church. Furthermore, in the urban area of Dundee, in contrast to more rural areas, there were greater opportunities of work with employers who were not supporters of the Establishment.⁷⁸ Thus these elders were less likely to fear economic sanctions being used against them especially as they were much less likely to be occupying a "tied" house.

The high status elders in Dundee Presbytery divided equally between the Free and Established Churches. There was a total of 32 such elders in the presbytery area; 21 in the burgh of Dundee and eleven in the landward parishes. Fourteen (67%) of the burgh elders joined the Free Church but only two (18%) of the landward elders did so. These figures highlight the difference in attitude towards the perceived need for reform in the Church of Scotland shown by the urban, mercantile elders of an industrial burgh from that shown by elders of similar status in rural areas in a way that is not possible in either the Cupar Presbytery area, where only a narrow majority of high status elders (57%) joined the Free Church, or in the St. Andrews area, where only 23% of such elders seceded.

The largest social group in each of the study presbyteries was that composed of elders of middling status. Allegiance to the two sides of the Church/State dispute reflects the general attitude of their respective presbyteries to the controversy. Nearly twice as many elders of middling status in St. Andrews Presbytery remained loyal to the Established Church as joined the Free Church. This position was almost exactly reversed in Dundee Presbytery. Elders of this status group in Cupar Presbytery were more ambivalent on the controversy and divided fairly evenly on the issues involved.

James Laird comments "[during the 1820s and 1830s] the Episcopalian Church would appear to have become the church chosen by the

78. Appendix C lists 92 potential employers who ^{became} elders of the Free Church in Dundee. They were engaged in 23 different types of enterprise. Included in this number are fifteen manufacturers all of whom could have managed businesses employing many more than one or two workmen.

gentry".⁷⁹ Sir David Steel, and other writers⁸⁰, hold a different opinion that the gentry, in the strict sense, became Episcopalians much earlier. Steel writes:-

"When Charles II came to the throne he at first accepted the Covenants, but by 1661 was reasserting his supremacy over the Church, declaring, incidentally, that 'Presbyterianism is no religion for a gentleman'. Such an outlook may explain why to this day so many of the landed and upper classes in Scotland belong to the Episcopal Church".

In the light of Steel's remarks, Laird's comment, if taken literally, must be incorrect. If Laird intends to indicate that there was a growth in Episcopalianism after 1820 then his comment could well be true not only of the Cupar area but also of the other study areas. In this event however, the term 'gentry' cannot be used in its strict sense, which would exclude merchants and manufacturers of whatever social status, but must be taken to include all men of high social status as defined in this chapter. Thus it can be argued the growth of the Episcopal Church could have affected the social structure of parochial kirk sessions by reducing the number of men of high status available to become parish elders. There would also have been a "knock on" effect on men of lesser social standing who were dependent on the "gentry" for business. Two of the writers in Cupar are believed to have become Episcopalians.⁸¹

Granted that the argument based on Laird's comment is absolutely correct, the effect was probably minimal on most of the study kirk sessions. An examination of the New Statistical Accounts for the 52 parishes in the study areas reveals that Episcopalians were mentioned in only 12 kirk session areas (10 *quoad omnia* and 2 *quoad sacra* kirk sessions).⁸² One of these parish accounts (Mains and Strathmartine)

79. J.Laird, *Religion and life*, (1977) p.11c.3.

80. David Steel. *Against Goliath; David Steel's Story*, (London, Weidenfeld and Nicolson, 1989) p.1. and e.g., J.Reid, *Kirk and nation*, (1960) pp.87-89 and 101-102.

81. It has not proved possible to be sure just which men, in the study areas, were Episcopalians in the late 1830s, early 1840s. It has been suggested that most of the subscribers to C.J.Lyon, *History of St.Andrews*, (1843), listed in that work were Episcopalians. Certainly only two of the 17 local subscribers, all men of high status, were definitely members of parochial kirk sessions.

82. Three other parochial accounts (Kemback, Kettle and Pittenweem) give no figures of denominational affiliation at all.

states categorically there were no Episcopalians within its bounds. It was claimed of eight other parishes there were no more than four families of Episcopalians. Only in St. Andrews where there were 108 members and Broughty Ferry (112 members) was it claimed that sizeable numbers belonged to that Church. These latter figures must have included women and, probably, minors and domestic servants so that the numbers of male heads of family, the category from which elders were usually chosen, were much less than half of those quoted.

The New Statistical Account for the Parish of Cupar mentions the existence of an Episcopalian congregation but omits to indicate the number of adherents within the parish. There seems little doubt this congregation was quite small in the late 1830s. An article in a local newspaper dealing with the incidence of religious dissent in the parish claimed there were only 82 attenders at its services, only fifty of whom were communicants.⁸³

It seems reasonable to assume that some of the authors of these Statistical Accounts chose to ignore, or were unaware of, the existence of Episcopalians in their parishes. There were Episcopalian congregations known to exist in both Dundee and St. Andrews parishes but neither of them were mentioned in the parish Accounts. The Account for St. Andrews did give the number of adherents to that denomination but the Dundee Account does not.

The social composition of kirk sessions was more likely to have been affected by the absence of gentry (in the true sense of the term) than by their religious affiliation. Some parish ministers were moved to comment on the situation in their New Statistical Accounts. There were no resident landowners in the parish of Lundie and Fowls Easter. Only one of the seven landowners in Abernethy resided in the parish. In Logie parish two of the six landowners lived there and in Kettle there were six residents from a total of sixteen heritors. The minister of St. Leonard's commented that fourteen of his parishioners owned land worth over £50 p.a., in other parishes. Similar situations existed in other parishes.

83. Fife Herald 26th July, 1838

Probably the most important influence on the social structure of parochial kirk sessions on the eve of the Disruption was the number of dissenters in each area. In almost all the study parishes there were relatively large numbers of presbyterian dissenters and, often, members of other protestant denominations. Quotes from four New Statistical Accounts illustrate the point. The minister of Auchtermuchty stated that half the population of the parish were dissenters and in Newburgh the proportion was only slightly less at 40%. In Dundee the number of presbyterian dissenters, not including members of other sects, was said to be about half of the number adhering to the Church of Scotland.⁸⁴ In Largo there were 200 dissenting families to 350 families in the Established Church. The general tendency was that the more urban the parish the more dissenters there were, but even in the very rural parish of Flisk there were four dissenting families among the 55 families resident in the parish. In 1838 it was claimed that there were more people attending dissenting churches in Cupar parish (2 179) than attended Established church services (2 000).⁸⁵

James Laird comments, "the dissenting churches appear to have had an appeal to the middle classes".⁸⁶ This is a comment made by many writers on 18th and 19th century church history and indeed such churches would not have been able to exist at all without the support and financial backing of the newly emergent middle classes. Nevertheless sufficient "men of substance" remained with the Establishment to provide viable kirk sessions in all but two of the study parishes until the Disruption and to perform the same service in all the congregations of the Established and Free Churches in the study areas after that event.

84. The 6th Report of the Commissioners of Religious Instruction, Scotland (1838) shows that there were 6 665 members of five different dissenting Presbyterian sects in the *quoad omnia* parish of Dundee. Thus the proportion of Presbyterian dissenters was 44% compared to the total of 15 114 members of 12 Established Church congregations in the parish. In addition there were 7 014 members belonging to 23 other dissenting sects including 2 500 Roman Catholics.

85. Fife Herald 26th July, 1838.

86. J. Laird, *Religion and Life*, (1977) p. IIc 5.

Overall the figures in Table 8.7 support the view that the success of the Free Church depended more on the support of the middling status elders than on those of high social status.

Comparison with Maclaren

Since Maclaren's study of the social structure of the eldership in the Church of Scotland⁸⁶ is based solely upon the membership of urban kirk sessions within the Burgh of Aberdeen the only valid comparison with the present study would be with the members of the urban General Kirk Session in the Burgh of Dundee. Maclaren includes, among the 301 elders in his study, 116 elders who were serving on Aberdeen kirk sessions in 1843, i.e., at the same time as the elders in Dundee. The following discussion is centred on a comparison of the social status and incidence of secession of these 116 men with the 180 members of the Dundee General Kirk Session included in this study. The social status and denominational affiliation (after the Disruption) of the elders in both burghs are shown in Table 8.8. (p.242 below)

There are two factors which tend to mitigate against definitive conclusions and which affect Aberdeen more than Dundee. In both burghs it has not proved possible to be certain of the social status of a number of elders. There are 9 (5%) such elders in Dundee and 13 (11%) in Aberdeen. Furthermore it is not possible to be certain whether or not 11 (9.5%) of the Aberdeen elders seceded.

Table 8.8 shows there were wide differences between the proportions of elders in each of the social status categories in the two burghs. It is immediately obvious that a majority of elders in each category joined the Free Church. This phenomenon is particularly apparent in middling status elders in both burghs.

Another clearly apparent fact is the much higher incidence of high status elders in Aberdeen (57.8%) than in Dundee (11.7). There is no immediately apparent reason for this. Both burghs were apparently very similar although the population of Aberdeen was 2 000 larger. Both burghs had fifteen places of worship in connection with

86. A.A. Maclaren, *Religion and social class*, (1971)

TABLE 8.8

THE SOCIAL STATUS OF ELDERS IN TWO BURGHS JOINING THE FREE CHURCH OR
REMAINING IN THE ESTABLISHED CHURCH IN MAY, 1843

Status	Dundee		Aberdeen		Support unknown
	F.C.	Estab.	F.C.	Estab	
High	14	7	36	25	6
Middling	103	36	25	7	3
Low	10	1	0	1	0
Unknown	4	5	10	1	2
Total	131	49	71	34	11
Grand Total	180		116		

Sources - Dundee - Appendix C
Aberdeen - Maclaren, *Religion and social class*, (1971).
Appendix Z

the Church of Scotland but rather different numbers of congregations of other Protestant sects. The reports of the Commissioners of Religious Instruction, Scotland reveal that in 1838 Aberdeen had 22 700 members of the Church of Scotland. This figure represented 66% of the regular attenders at all places of worship in the burgh. There were also 11 903 people attending 22 dissenting congregations belonging to fourteen different denominations. In Dundee, at the same period, there were 16 014 members of the Church of Scotland (54%) and 13 679 persons attending 28 places of worship connected to 21 different denominations. In addition both burghs each had a congregation of Glassites about which no information was available but their numbers were probably very small.

Aberdeen had three Episcopalian congregations total^{ing} 2 700 regular attenders against one such congregation in Dundee which numbered 450 members.⁸⁸ If Laird's suggestion that such churches attracted people of high social status is true, for areas other than Cupar, it would be expected that the Episcopal Church would have had a greater impact in Aberdeen than in Dundee with a consequent greater reduction in the number of men of high status available to become elders of the

88. Commissioners of Religious Instruction, Scotland (1838) 5th report pp.324-411; 6th report pp.74-137. 7.8% of all regular church attenders in Aberdeen were Episcopalians while only 1.5% of all regular worshippers in Dundee belonged to that denomination.

Established Church in the former burgh. Since this was not the case an explanation must be sought elsewhere.

Maclaren uses a slightly different basis for assessing social status than is used in the present study. He uses the 1851 census as a source of data which, in effect, gave the Aberdeen elders ten more years during which they could have improved their social standing at a time when upward social mobility could be relatively easy and rapid. In addition he did not use the number of resident domestic servants an elder employed as a supplementary indicator of status. If this measure had been used the number of high status elders in Aberdeen may have been somewhat reduced.

It is also possible that the real cause of the difference between the two burghs is the variation of the commercial basis between them. Aberdeen was an old, slowly growing centre with many service businesses which had been run by the same families for generations so that their owners had become firmly fixed in the social hierarchy. Dundee, on the other hand, was a relatively new, rapidly expanding centre with new industrial businesses opening constantly so that their owners had had little time (or spare money) to establish themselves in society. George Gordon succinctly expresses the underlying differences between Aberdeen and Dundee. Dundee, he says, was rapidly becoming "the classic Scottish example of a mono-industrial city" while Aberdeen was a true regional capital.⁸⁹

Merchants/agents and shopkeepers were prominent on the kirk sessions of both burghs but more so in Dundee, where merchants/agents represented 17.8% of the total eldership and shopkeepers another 20.6%. In Aberdeen the figures were 13.8% and 15.5% respectively. When the relative social status of these groups is examined the real difference between them is revealed and the greater incidence of high status elders in Aberdeen at least partly explained. In Aberdeen 15 (94%) of the 16 merchants/agents who were elders are classified as high status whereas only five (16%) of 32 such elders in Dundee are similarly rated. Thirteen (72%) of the eighteen Aberdeen shopkeepers are also rated as of high status but there is no evidence to suggest that any of the 37

89. George Gordon, *The changing city*, (1985). p.8.

Dundee shopkeepers were of this standing. Possibly this difference was due to the retail enterprises in Dundee being relatively newly established and thus had had insufficient time to develop their full potential. Coupled with this is that there was, in Dundee during the 1830s and early 1840s, a shortage of wealthy, free spending customers to make it commercially viable for shopkeepers to expand into the highly profitable luxury trades.

Lawyers were one occupational group which was very under-represented among the elders of both burghs. There were only two writers among the 180 Dundee elders. One, young and possibly fairly recently qualified, joined the Free Church. The other did not. In Aberdeen there were no writers ordained as elders although there were six advocates, two of whom joined the Free Church. As there must have been many more lawyers in both burghs these figures suggest that lawyers as a group were attracted away from the Established Church either to Episcopalianism or to other dissenting sects.

A full explanation of the differences in the social structure of the kirk sessions of Aberdeen and Dundee will, if at all, only be arrived at after a much fuller and wider ranging investigation than has proved possible here.

Summary

It is clear from Table 8.7 that, contrary to the situation in Aberdeen, elders of middling social status were the dominant group on kirk sessions in the area covered by the present study at the time of the Disruption. Indeed, in 13 (27%) of the 49 kirk sessions listed in Appendix C, middling status elders were the only group represented.

High status elders were well represented on some kirk sessions especially in the St. Andrews presbytery area - notably because of the numbers of university professors, landowners and men of independent means living in the parishes of St. Andrews and St. Leonard's. In this area high status elders were the dominant group on three kirk sessions; Forgan (three high, one middling), Kemback (two high) and St. Leonard's (eight high, two middling). In only one parish outwith this area did a similar situation occur. The parish of Cupar had six high and

three middling status elders. The high status group had parity with those of middling status in five other parishes in the Cupar area and one parish in Dundee Presbytery.⁹⁰

Elders of low social status, while represented in all presbytery areas, mainly occurred in Dundee parish and then usually on *quoad sacra* parish kirk sessions. In these parishes it would appear that a man's natural worth was recognised as much as his social position. Outside the burgh of Dundee this group of elders was represented solely by agricultural labourers.⁹¹

No evidence can be deduced from the data in Table 8.7 to support any suggestion that social status *per se* was other than a minor factor in the decisions of elders whether or not to leave the Established Church. This is not to say that every individual elder ignored the social status factor especially in rural areas.

At the Disruption it was usual for elders who were landowners or of independent means (high status) to remain in the Established Church even when their parish minister joined the Free Church. The three such elders in the parish of Collessie proved to be exceptions to the rule in that all three together with their minister joined the Free Church.

The most influential of the three, who seem to have been close friends, was David Maitland-Magill-Crichton of Rankeilior.⁹² He and James Dalglish, another of the group, as shareholders in St. Michael's, Cupar, were prominent in the unsuccessful attempt to buy out the rest of the share holders in early 1843 with the object of obtaining a place of worship for Free Church supporters when the new Church was formed.⁹³ It is not surprising, therefore, that these two gentlemen with their friend, William Walker, should have left the Establishment.

90. Collessie, Creich, Cults, Monimail, Moonzie and Auchterhouse.

91. In the 1841 census "agricultural labourer" was a term applied to all employed farm workers from grieve to orra man and included the aristocracy of the farming world - ploughmen, cattlemen and shepherds. It is probable that elders came from this group.

92. He ruined his health and spent a large part of his wealth actively supporting non-intrusion and later the Free Church.

93. Chap 4. p.102 above.

In this section of the chapter the discussion has centred on the behaviour of elders belonging to each social status group in turn. This may have given the impression that each group was a cohesive entity acting together in its own interests. In fact, this was not so during the period covered by this study. Little is really known of inter- and intra-status group intercourse in religious matters in the first half of the nineteenth century in Scotland. It does, however, seem clear that support for both sides of the Church/State controversy came from all levels of society and that people of all status groups could, and did, work closely together for the good of their cause. While it is true that much of the leadership in the non-intrusionist cause came from men of high social status⁹⁴ this is not to imply that important initiatives did not come from men of lower social status. Early in 1840, for instance, a group of workmen formed a non-intrusion association in Cupar.⁹⁵

LENGTH OF SERVICE AS AN ELDER

Elders can be classified according to their length of service on kirk sessions into convenient five year time bands. Those with up to four years service by 1843 were those ordained after the civil Court of Session had reached a judgement on the first Auchterarder case in 1838. Elders who were ordained between 1834 and 1838 had begun their service in the period after the passing of the Veto and Chapel Acts by General Assembly and when the new parliamentary and burgh Reform Acts were becoming effective.⁹⁶ The previous period from 1829-1833 were years of great unrest in Scotland. Politically there was the agitation for the reform of the franchise. Socially the Highland Clearances were becoming a matter of concern to many people in the Lowlands. Within the Church there were increasing demands for the end of lay patronage. The five years earlier still, from 1824 to 1828, while not so turbulent as the succeeding period, did see the beginnings of the great agitations

94. This was possibly due to the fact they were able to devote more time and money to promulgating their argument over a wide area.

95. Fife Herald 16th January, 1840. see Chap.2 p.32 above.

96. Parliamentary Reform Act 1832 2 & 3 Wm IV c.65
Burgh Reform Acts 1833 3 & 4 Wm IV cc. 76 and 77.

to come. The period before 1824 can be described, as far as the Church was concerned, as a period of relative tranquility.

Table 8.9 shows the number of elders ordained in each of the study presbyteries during each of the time bands outlined above. It also distinguishes between those who joined the Free Church and those who remained in the Established Church in 1843.

TABLE 8.9
LENGTH OF SERVICE ON KIRK SESSIONS, IN FIVE YEAR PERIODS, BY ACTIVE
ELDERS, IN THREE PRESBYTERIES, AT THE TIME OF THE DISRUPTION

Years in office	Cupar		St. Andrews		Dundee		Total	
	F.C.	Estab.	F.C.	Estab.	F.C.	Estab.	F.C.	Estab.
0 - 4	6	2	11	21	71	18	88	41
5 - 9	18	15	13	27	27	23	58	65
10 - 14	8	5	9	15	26	17	43	37
15 - 19	2	1	3	6	9	8	14	15
20+	2	5	3	13	19	18	24	35

Source - Appendix C

Note - F.C. indicates elders who joined the Free Church
Estab. indicates elders who remained with the Established Church.

There appears to have been a sudden urge among ministers within the presbyteries of Cupar and St. Andrews to appoint new elders immediately after the Veto and Chapel Acts were passed by General Assembly in 1834 but this impetus reduced somewhat after 1839. The reasons for this increase in ordinations are not clear. One reason might have been that local ministers anticipated that the operation of the new acts could lead to trouble for the Church and realised the advantages of having a strong and supportive kirk session. Another possible cause could have been the induction of new ministers since presentations of new incumbents were made to more than half of the parochial charges in both presbyteries during the nine years immediately preceding the Disruption.⁹⁷

Dundee, on the other hand, had an enormous growth in the number of elders between 1834-43. This is accounted for more by the expansion of the number of kirk sessions in the parish of Dundee than by

97. see Appendix A below.

population growth⁹⁸ or for any other reason.

The data in Table 8.9 reveal a slight tendency for longer serving elders to adhere to the Established Church.⁹⁹ Elders appointed after 1838 showed a stronger tendency to secede to the Free Church.¹⁰⁰ To some extent the latter tendency can be explained by the influence of parish ministers over the selection of elders.

Nevertheless, in general, it seems reasonable to conclude, from the figures above, that the length of an elder's service on a kirk session, *per se*, was not a significant factor in his decision either to secede or to remain in the Established Church since an elder's chronological age might have been equally important.

AGES OF ELDERS IN 1841

The ages of individual adults are recorded in the 1841 Census Enumerators' Books in five year age bands. Thus a man recorded as being 25 year old could have been one day past his 25th birthday or one day short of his 30th birthday. Elders' ages recorded in Appendix C and summarised in Table 8.10 (p.249 below) are exactly as given in the census or, if obtained from other sources, rounded down to make them compatible. The discussion which follows would be unaffected by making every elder two years older than is shown in the tables.

It is unfortunate that the ages of 72 of the study elders have proved impossible to find. This could affect the validity of some of the conclusions reached in the following discussion. The calculation of the standard error of the mean age of each group of elders takes account of the discrepancy so that this invalidity is to some extent lessened.¹⁰¹

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98. The population increased from 45 355 in 1831 to 62 794 in 1841.
 99. 52% of the 166 elders with more than ten years service remained with the Establishment.
 100. 68% of these elders joined the Free Church.
 101. The standard error (S.E.) of a mean is a statistical calculation designed to show the likelihood of the mean of a sample being close to that of the population from which that sample is taken. There is a 68% certainty the real mean falls within 1 S.E., either side of a calculated mean and a 95% certainty it falls within 2 S.E.s. For a fuller explanation and method of calculation see e.g., Crocker *Statistics for the teacher* (1969) pp.49-50.

TABLE 8.10

NUMBER OF ELDERS IN EACH AGE GROUP IN THREE PRESBYTERIES

Age	Cupar		St. Andrews		Dundee		Total	
	F.C.	Estab.	F.C.	Estab.	F.C.	Estab.	F.C.	Estab.
25	1	-	-	1	10	1	11	2
30	2	-	5	2	12	4	19	6
35	-	2	3	6	17	13	20	21
40	6	1	7	13	31	6	44	20
45	3	3	6	9	10	14	19	26
50	4	3	4	11	10	9	18	23
55	4	3	-	8	10	11	14	22
60	3	4	7	12	11	4	21	20
65	3	-	2	5	4	3	9	8
70	1	3	3	3	4	-	8	6
75	1	-	1	3	-	3	2	6
80	1	-	-	2	1	2	2	4
uncertain	9	9	1	8	30	15	40	32
average	53	50	50	53	46	50	48	52
error	2.5	2.5	2.1	1.4	1.1	1.5	0.9	1.0

source - Appendix C

note - as Table 8.9

While the spread of ages from youngest to oldest, as shown in Table 8.10, is similar between elders who seceded and those who did not, more older and fewer younger men remained with the Establishment. 56(46%) of the 122 elders aged over 55 seceded and 66(54%) did not. This is best illustrated in St. Andrews Presbytery where the ratios were 28% and 72% respectively. Of the 79 elders under 40 years old, 50(63%) seceded and 29(37%) did not. Dundee Presbytery provides the best illustration of this as in this area 68% of the younger elders seceded and 32% did not.

No definite conclusions can be drawn from the average ages of elders in the presbyteries of St. Andrews and Cupar because of the small sample sizes and the number of omissions. The larger sample from Dundee Presbytery allows a more definite conclusion to be drawn that younger men did in fact tend to join the Free Church. Moreover if

the medians¹⁰² of each pair of columns in Table 8.10 are compared it can be seen that in each case Free Church elders are five years younger than those who did not secede thus indicating that seceding elders tended to be younger than those remaining in the Establishment.

Overall, on average, seceders, in the three study presbyteries, were four years younger than their counterparts remaining in the Church of Scotland.¹⁰³ Although it seems reasonably certain that younger rather than older elders were attracted to the new Church¹⁰⁴ it is not possible to assert that age, *per se*, was a major factor in an elder's decision to secede or not because of the wide age range (from 25 to 80) of elders in both Churches. It is equally probable that other factors (ecclesiastical, economic, political, marital or social) played at least as large a part in personal decision making.

CONCLUSION

Following the Reformation a tradition soon developed within the Church of Scotland that church courts must not be left to ministerial leadership alone. Although some Moderate ministers in the late 18th and early 19th centuries seem to have had doubts regarding the real value of ruling (lay) elders, the Evangelicals of that time appear to have been convinced of the importance of ruling elders. After the Disruption these elders had an equal place with ministers in the higher courts of the Free Church. As the 19th century advanced the Established Church came to realise, as the Free Church had done from its origin, that the lay eldership was important as it is:-

"...an office ensuring the participation of the representative church member in the Conciliar government of the Church, through its various courts".¹⁰⁵

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- 102. The median is that value of a variable which splits an ordered list of cases into two halves so that there are as many cases with values below the median value as there are above it. Floud, *Quantitative methods*, (1979) p.78.
 - 103. A calculation of the critical ratio between the mean ages of both groups of elders gives a result of 2.97 which is well over the 0.01 significance level, indicating there is at least a 99% certainty that, in general, Free Church elders were younger than those who did not secede. Crocker. *Statistics*, 1969 pp.70f
 - 104. A similar conclusion was reached from an examination of the ages of ministers. See Chap.7 pp.229-32 above.
 - 105. R.S.Louden, *The true face of the kirk*, (1963) pp.40-41.

The size of most kirk sessions depended partly on the size of the population of the parish, partly on the extent of its area and partly on the number of men of high social standing living in the parish. These considerations also determined the size of Free Church kirk sessions after the Disruption. The kirk session of Anstruther Free church, for example, decided its numbers should be increased, from five elders in Easter Anstruther and three in Pittenweem, by six elders in Cellerdyke, one in Kilrenny, one in Wester Anstruther and two more in Easter Anstruther.¹⁰⁶

Ministers were able to influence the composition of kirk sessions by their selection of new elders. They do not seem to have been very successful in persuading elders ordained by a previous incumbent of a parish to change their stance on the Church/State controversy and to act in accordance with the current minister's opinions rather than their own. Furthermore ministerial influence was not sufficiently strong to counteract hostile external economic pressures brought to bear on some elders. This was particularly apparent with schoolmasters and tenant farmers who often feared their whole livelihood could be lost by leaving the Established Church.

The fact that a minister could select elders who held similar views to his own on the Church/State controversy cannot be taken as a measure of his influence over the rest of the parish. Although no elder left the Established Church in Wester Anstruther there seems to have been considerable antagonism to the Establishment in the parish. It had been the practice for the parish beadle to use the town bell to call the townspeople to church on Sunday mornings. On one Sunday in October, 1843 the beadle found the belfry locked on the orders of the Provost so that the bell could not be rung for the service. Despite pleas from the parish minister, the kirk session and a letter from a local solicitor, the Provost refused to order the belfry to be unlocked. The kirk session later obtained an interdict from the Court of Session banning the Council from refusing the use of the bell to the church. At a subsequent meeting the Council declared the action by the Provost to have been ill-advised and must

106. Anstruther Free Church kirk session minutes 1st December, 1843.

cease.¹⁰⁷ Two years later, in 1845, the parish church became dangerously unsafe. Nevertheless the local heritors, who apparently held anti-Established Church opinions, refused to allow their school to be used as a place of worship while the church was being repaired. The minister had to use his manse instead.¹⁰⁸

An elder's social standing seems to have played little part in his decision on whether to join the Free Church or not. Elders in each social status group in each presbytery area split on the controversy in the proportions to be expected from the general state of opinion in each presbytery. Thus in Cupar Presbytery area elders divided fairly evenly on the issues involved. The Established Church retained most of its elders in the St. Andrews area. A majority of elders in Dundee Presbytery seceded to the Free Church.

Most elders, within the study area, on both sides of the Church/State controversy were in the middling social status group which contained 70% of all study elders. Elders of this group who seceded were destined to have a more influential role in the affairs of the new Church than their counterparts who remained with the Establishment had in the affairs of the Old Kirk. This was partly due to the group forming a larger proportion of the eldership of the Free Church and partly to elders having a more equal position with ministers on the higher courts of the new Church.

The analysis of the social standing of elders in the present study is at variance with the earlier study by MacLaren in Aberdeen. His findings show that elders of high social standing formed the dominant group on kirk sessions in the burgh.

While, on average, elders joining the Free Church were younger than those who did not, the overall age range was remarkably similar. Thus it seems that age alone was not a significant factor in decisions made by elders. Closely linked to an elder's age was his length of service as an elder. While there are examples of older elders with

107. Anstruther Wester kirk session minutes 18th October. 1843.
Fife Herald 2nd November, 1843.

108. Anstruther Wester kirk session minutes 24th August, 1845

very little service on kirk sessions¹⁰⁹, usually older elders had longer service. Because of this close link between age and length of service it is not possible to say which, if either, had been a significant factor in elders' decision making.

Overall the factor which can be said to have been important in whether an elder seceded from or remained within the Establishment was his original selection as an elder by his parish minister. Ministers tended to choose new elders from suitable parishioners who held a similar stance to their own on the Church/State controversy. Since views on the Church question, which were held by members of the Church of Scotland, both clerical and lay, were almost certainly based on their theological and ecclesiastical attitudes it is possible to argue that, for elders in general, these opinions were more important than social or economic considerations in their decision making. In this elders seem to have differed from their ministers for whom theological considerations appear to have been but one factor among many in their final decisions.¹¹⁰

Indeed there can be little doubt that McCosh would have argued that, for ministers he classified as "second class Moderates", of whom there were nine in the study areas, theological considerations were minor factors in their decisions to remain in the Established Church.¹¹¹

In this chapter, kirk session minutes and Census enumerators' books have been used to discover the identity and some basic social characteristics of elders actively serving on kirk sessions in May, 1843. Kirk session records can only distinguish between elders who did or did not join the Free Church. Just as there were ministers who were "second class Moderates" so, in all probability, there were similar elders. The available information is inadequate to identify them or say how many there were.

109. *inter alia*; Andrew Mitchell, 1 year as an elder, aged 60+ (St. Andrews); David Brown, 2 years as an elder, aged 70+ (Dundee); John Grant 1 year as an elder, aged 70+ (Dundee).

110. Chap. 7 pp. 205-206 above.

111. McCosh, *The wheat and the chaff*, 1843. McCosh classified as "second class Moderates" those ministers who had supported the Church against the State during the controversy but remained in the Established Church at the Disruption.

Chapter 9

CONCLUSION

The nineteenth century was a period of revolution in Europe and the Americas; not only of armed uprisings but also of social, political and economic revolution. Scotland was not excluded from the general trend. At the time of Queen Victoria's Diamond Jubilee (1897) the country was socially, politically, economically and demographically very different from what it had been at the Peace of Amiens (1802). The Disruption of the Church of Scotland was but one, peculiarly Scottish, aspect of the general revolutionary trend.

The main issues in the Disruption were both overt and covert. Overtly, the main issue was lay patronage in the Church. After 1834 a manifest growth of Erastian attitudes among the officers of the State led to a more serious dispute on the spiritual independence of the Established Church. Covertly, the desire of the landowning/governing classes to retain as much as possible of their privileges and positions of influence clashed with the desire of the rising industrial and commercial middle classes for more influence in public affairs including those of the Established Church.

Lay patronage had been restored in 1712 in what came to be seen, by many Scots, as a breach of the Act of Union. This restoration led to a series of secessions, by individuals, groups and whole congregations, during the eighteenth and early nineteenth centuries. There were a variety of reasons for these secessions but they were mostly connected to a perceived mis-use of the Patronage Act. After c1750 the Moderates, who invariably formed a majority of commissioners to General Assembly, increasingly supported the wishes of the patrons at the expense of the wishes and rights of congregations. There were 120 presentations to parishes in the study areas during the fifty years before the Disruption. Only two of these was seriously disputed by members of a congregation before 1840¹ and a further two after that

1. Troops had to be used to induct Peter Barclay to Kettle Parish in 1778 and Thomas Stewart to Newburgh Parish in 1780. Fasti, vol. 5.

date.² None of these cases involved the civil courts. Nevertheless, the lack of formal disputes over presentations did not prevent the founding of a total of 32 congregations of dissenting Presbyterians in twenty of the study parishes by 1843.

The earliest of the dissenting congregations³ were formed as a reaction to the re-imposition of lay patronage in 1712. The congregation at Ferryport-on-Craig was said to have been formed (1807) because of general dissatisfaction with the state of the Established Church. Two congregations⁴ resulted from the Burgher/Antiburgher schism in the Secession Church in 1748. In 1761 there was a dispute between two rival claimants to the patronage of Auchtermuchty Parish. The losing claimant founded a congregation of the Relief Church (1762) in the parish. Further dissenting congregations were inaugurated in Kettle (1778) and Newburgh (1785) after troops were used to enforce the induction of a parish minister. The remaining congregations resulted from splits in existing congregations either due to internal disputes or to reduce the distance some members had to travel to attend worship.⁵ Whatever the reasons for setting up new dissenting congregations the growth in their number points to a steady increase in membership between 1737 and 1834. This increasing dissent, which was not confined to the study area, should have been a matter of great concern to the leaders of the Established Church but they appear to have viewed it as unimportant.

The Popular (Evangelical) Party⁶ formed a majority on General Assembly, for the first time, in 1834 and, in an attempt to make lay patronage more acceptable to Church members and prevent further growth

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2. Kemback (Chap.2 pp.48-53) and Kettle (Chap.8 pp.229-31).
 3. Ceres (1737), St.Andrews (1738) and Dundee - School Wynd (1740).
 4. Auchtermuchty and Dundee - Bell St.
 5. R.Small, *History of the congregations of the United Presbyterian Church*, (1904). vol.1 pp.152-342.
 6. This party opposed many Moderate policies including the unrestricted use of patronal power and complete subserviance to the State.

of the dissenting churches, this Assembly passed the Veto Act⁷ by a majority of 45. This success was mainly due to the votes of lay elders, particularly those who represented the royal burghs. Among the commissioners to this Assembly were eleven ministers, five presbytery and eight other elders from the study presbyteries. Five ministers voted for the Act, three were against and three abstained. The figures for presbytery elders were one supported, three opposed⁸ and one abstained. The university elder (Robert Haldane, principal of St. Mary's College) voted against the Veto but only one of the seven burgh elders did so and none abstained.⁹ Thus the local commissioners voted 12-8 in favour of the Veto Act. Without the votes of the burgh elders the result would have been 7-6 against the Act.

The study presbyteries were as divided on the issue as their Assembly commissioners. Dundee approved the Act by 15-9 votes. Cupar disapproved of the measure by a single vote while St. Andrews voted 11-8 against the Veto.¹⁰

At first, despite Moderate misgivings, the new Church law had the endorsement of many lawyers, advocates and judges. Even the Lord Chancellor¹¹ openly declared it would end the demands for the abolition of lay patronage. Certainly there was no widespread controversy over the new Act until 1838 when the Court of Session, supported by the House of Lords, intervened in the disputed settlement of Robert Young in Auchterarder and declared the Veto Act to be an illegal infringement of patronal rights. This judgement led to much controversy among the laity as well as in the Church courts. This controversy was fuelled

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7. The Veto Act allowed male heads of family in a vacant parish to vote on the acceptability of a presentee. If a majority voted against him the Presbytery concerned was barred from further action in that presentee's settlement.
 8. This opposition is not surprising as St. Andrews Presbytery was represented by John Hope, Dean of Faculty and Prof. George Cook, leader of the Moderate party.
 9. Pres. Rev., 1834, vol. 5 p. 517.
 10. Dundee Presbytery minutes 1st April, 1835. Cupar Presbytery minutes 5th May, 1835. St. Andrews Presbytery minutes 1st April, 1835.
 11. Lord Brougham, who later declared the Veto Act to be illegal.

by further, increasingly Erastian, judgements of the civil court and by the steadfast refusal of successive governments in London to take any action to resolve the dispute.

What the Scottish opponents of the Veto chose to ignore, or had forgotten, and what the English politicians probably never knew, was that many Scots had a firm belief in the doctrine of "The Twa Kingdoms". These were an earthly kingdom ruled by the sovereign and officers of the State and a heavenly kingdom in which only God was king and was manifest on earth by the National Church. The Church owed allegiance to earthly rulers in temporal matters. In the heavenly kingdom the earthly rulers were but 'God's vassals' and had no power to interfere in spiritual matters such as the ordination, induction and deposition of ministers which were solely the concern of the Church. Much of this belief had been included in early legislation relating to the Church and which, while never repealed, was ignored or mis-interpreted by the majority of the judges in the civil cases affecting the Church during the five years before the Disruption.

The overt issues have been extensively discussed, by both sides of the controversy, in the literature relating to the Disruption over the past 150 years. The covert issues have been seldom mentioned but were clearly to be seen when the agitation was at its height.

The 1830s and 1840s was a bad time to seek a change in the patronage laws. The ruling elite had lost some of their political influence after the 1832 Reform Act. As is not uncommon in such situations, they sought to preserve undiminished what influence they still retained. Their patronage of the parish ministry was one source of influence. Fear of any reduction in their powers in this field was a major cause of their opposition to change. For many patrons this opposition was reinforced by the potential loss of income from the sale of a life rent in a patronage.¹²

Eight of the thirteen civil judges always gave judgement against the Church in any action that came before them. They did not hesitate to issue directives, and to apply civil penalties for non-compliance, on matters over which they clearly had no jurisdiction.

For instance, they ordered that Robert Young should be taken on trials and later decreed that seven ministers, deposed by the General Assembly, could form a constitutional presbytery and induct John Edwards to Marnoch.

These eight judges plainly had allowed personal bias to override their duty impartially to administer the law.¹³ All were members of the landowning/governing classes and opposed to any lessening of the privileges of these classes. Some were also dissenters who probably would have welcomed the opportunity to diminish the importance of the Established Church.

Their legal findings tended to lessen the influence of the rising middle classes on Church affairs. The members of these classes formed the core of the resistance to the civil courts. This is shown, especially in the more urban parishes, by the large majority of middling status elders in the study areas who later joined the Free Church. A similar pattern of secession was shown by elders in Aberdeen.¹⁴

There was also a subsidiary controversy, mainly confined to the Church courts, following the declaration by the Court of Session in January, 1843 that the General Assembly's Chapel Act¹⁵ was illegal. While there was little public outcry, the judgement confirmed many people in their decision to leave the Established Church. It also led to schism and the setting up of Free Presbyteries in fifteen local areas during the eight weeks before the secession from the General Assembly on 18th May, 1843.¹⁶

Such were the major issues in the Church/State controversy. In the study areas there were no obvious local leaders such as Robert Candlish was in Edinburgh Presbytery. However, in Cupar Presbytery

13. Chap.2 pp.28-29

14. Table 8.7 p.236 and Table 8.8 p.242

15. This Act, also passed by the 1834 Assembly, allowed presbyteries to set up *quoad sacra* parishes. The ministers and elders of these parishes were given seats on all Church courts. Consequently when the act was declared illegal that judgement cast doubt on the validity of all decisions taken by church courts, especially those of the General Assembly, since 1834.

16. p.85 above.

Adam Cairns (Cupar) and David Maitland-Magill-Crichton of Rankeillor were prominent on the Non-intrusionist side while John Anderson (Newburgh) and Alexander Kidd (Moonzie) strongly pressed the Moderate viewpoint. In St. Andrews, Anstruther Taylor (Carnbee) had considerable influence and always hotly, if not always sensibly, pressed Moderate arguments and Dr. Ferrie (Kilconquhar) was equally ready to oppose him. The latter cannot be said to have been a Non-intrusionist leader because he did not leave the Established Church. It is not possible to say, of the Dundee area, that any individual was even "prominent" in putting forward the views of one or the other party.

However, even without a recognised leadership there were enough individuals, on the Non-intrusionist side, to initiate a successful campaign in most of the study parishes. Thus public meetings were held throughout the areas under discussion and petitions supporting the Church sent to Parliament. Later Free Church associations were started and money for the new Church raised. Unfortunately it has not proved possible to identify these individuals. The local newspapers for 1843 do not mention the names of individuals concerned with the formation of local associations nor did they publish any letters on the subject.

The Moderates did not rouse the same degree of individual initiative as their opponents. The *Fife Journal* remonstrated with the Moderates, especially those in the Cupar area, over this issue. The editor asserted they:-

"...should adopt an active resistance [to the Non-intrusionists]... proclaim the reasons for their adherence to the Established Church... be prepared to defend their principles... explain the statutes on which the Establishment was founded... be prompt to protect themselves and their friends from slanderous attacks from their opponents... This would not demand much exertion or sacrifice as with right and reason on their side it was easy to show the strength of their position".¹⁷

There were many factors involved in the controversy, not only in the general dispute but also in individual decisions as to which side to support. Although the following discussion treats some of these factors as separate entities they were in fact closely intertwined.

17. *Fife Journal* 5th January, 1843.

Theological and ecclesiastical attitudes seem to have been the most important factor in individual decision making especially among the elders and laity.¹⁸ The importance of this factor tends to be somewhat obscured by the amount of common ground between the Established and Free Churches. Both professed a firm adherence to the Westminster Confession as a subsidiary standard of the Church. Both adopted a common method of Church organisation and used a common form of worship. There was a felt need for an educated membership by both groups. It was, however, the differences between them that were important. The mode of appointment of office bearers was one aspect of this. In the Church of Scotland ministers were chosen by the patrons and the elders by the ministers.¹⁹ In the Free Church ministers and elders were chosen by popular election. There were differences in attitude to the links between Church and State and also in the strictness with which Calvinist theology was applied.

The Westminster Confession, which became part of the laws of Scotland in 1690²⁰, could have had an important part to play in the legal battle preceding the Disruption but was not used. There seems to have been no reason for this, except to say it might have been a two-edged weapon, which could be interpreted as supporting both sides.

Chapter XXIII para.3 begins:-

"The civil Magistrate may not assume to himself the administration of the word and sacraments, or the power of the keys of the kingdom of heaven, yet he hath authority, and it is his duty to take order, that unity and peace be preserved in the Church..."

On the other hand Chapter XXXI para.3 states:-

"It belongeth to Synods and Councils ministerially to determine controversies of faith, and cases of conscience, to set down rules and directions for better ordering of the publick worship of God and government of his Church; to receive complaints in cases of maladministration, and authoritatively to determine the same..."

The first quotation seems to give the State power to intervene in Church affairs to resolve quarrels but this power is severely restricted by the latter paragraph.

During the period 1838-1843 there were six letters to the editors of local newspapers on the subject of the Westminster Confession

18. Chap.7 p.205-206 and Chap.8 p.253.

19. Chap.8 pp.226-28

20. APS vol.IX pp.117-31. This Act has never been repealed.

in relation to the Church/State controversy. Five quoted Chap.XXIII para.3 and only one cited Chap.XXXI para.3.²¹

Moderates tended to preach morality, that is the application of religious principles to everyday life. They also claimed that the Church, in obedience to biblical teaching, had to recognise the authority of secular government. On the latter aspect of their theological thinking it is possible to argue that in their eagerness to render "to Caesar the things that are Caesar's" they at times neglected to render "to God the things that are God's".²² Certainly this is an opinion that would have been endorsed by many Free Churchmen in the 1840s.

The Moderate attitude to State control of the Church had two consequences. They, themselves, came to be seen by many people as mere creatures of the State. This was especially so after George Hill²³ became the new leader of the Moderate Party in 1780 and linked the Moderates with the anti-popular reform policies of Dundas²⁴, the Tory manager of Scotland for the younger Pitt.²⁵ At the same time, because of their opposition to the Moderates, the Popular (Evangelical) Party came to be viewed, especially by the ruling elite, as being committed to a policy of non-co-operation with the secular government.

The Evangelicals held to a much more puritanical type of theology. They held that a man had the duty firstly to purify his own heart and only then to enlighten others.²⁶ Although these basic differences between their theological thinking existed, in their parish ministry there appears to have been little difference in the efforts made by both Moderates and Evangelicals to exercise pastoral care of

21. Fife Herald 20th February, 1840; 3rd and 24th February, 1842. Fife Journal 22nd April, 1841; 20th October, 1842; 26th January, 1843.

22. Matt.22.21.

23. Minister of the 1st charge St.Andrews and principal of St.Mary's College.

24. Henry Dundas, 1st Viscount Melville.

25. S.Brown, *Thomas Chalmers*, (Oxford, 1982) p.46.

26. Chap.1 p.12.

their parishioners.

While a person's theological stance tended ultimately to be of the utmost importance in any individual decision-making other factors were clearly involved in the dispute leading to the Disruption. A comparison of the personal characteristics of ministers and elders who did or did not join the Free Church indicates that some of these characteristics, such as age or stipend, could have been all important, especially to ministers of *quoad omnia* parishes.

Economic factors were important. Money had to be provided by Free Church members to pay ministers' stipends, erect churches, manse and schools and to acquire sites for these buildings. In addition money was also required for the missionary and other schemes of the Church. The Industrial Revolution had been in progress long enough to enable the new middle class of industrialists and merchants to amass sufficient surplus wealth for them to make substantial contributions to the emergent Church.²⁷ It was not uncommon for men and women of this class to pledge a subscription of as much as £50 a year to the Free Church.²⁸ This was the equivalent of, at least, £3 000 at today's values and few, if any, members of the twentieth century Church contribute even a quarter of that sum. During one week (1st - 7th March, 1843) there were four promises of £50 p.a. from people living in the study areas. In the same week donations were made of £300, £200, £150 and there were five others of £100. Two of the latter donations came from ministers and may have been the result of congregational collections.²⁹

A further economic factor in ensuring the initial success of the Free Church was that a wide spread slump in the construction industry occurred in 1843 which considerably reduced costs and led Thomas Brown to write:-

27. Chap.6 pp.204, 206-208.

28. Friends of the Church of Scotland circulars.

29. Friends of the Church of Scotland circular No.4 10th March, 1843.

"It was surely one of the providential circumstances connected with the Disruption that at a time when 700 churches had to be erected the building trades had less employment of any other kind than had been known for a long course of years, and that wages and the price of building materials had sunk to a point which they have not often reached".³⁰

It is interesting that Brown should have seen the hand of God supporting the Free Church by providing a trade depression just at a time when the Free Church needed it most.

There seems little doubt that personal economic factors prevented some individuals from joining the Free Church especially in more rural areas. Teachers, tenant farmers and the 'labouring classes' tended to remain in the Established Church from fear of losing their livelihoods.³¹

There were also political aspects to the controversy in the period before the Disruption. Moderates and Non-intrusionists, both within and without the Church courts, acted as political pressure groups in attempts to influence the Government of the day to take action beneficial to their party, but achieved very little success.

I.G.C.Hutchison claims that:-

"From the passing of the Reform Bill until 1834-5, the church Evangelicals generally gave their backing to the Whigs. It was natural for a pressure group aiming to make sweeping changes in the nature and structure of a state institution to seek to establish close relations with a party which looked likely to be in office for a long time. Also, the Whigs were embarking on a wave of reform measures, and so might be expected to respond positively to requests to alter and democratize the Scottish Church. Thirdly, the Moderates, still vigorously fighting the Evangelicals in the Church, were intimately identified with the Tory party".

Hutchison goes on to show that, because of Whig support for the Dissenting churches and their refusal to make any attempt to democratise the Church of Scotland, Evangelicals, in the later 1830s, tended to support Tory candidates at election times. After 1841, when it became clear that a Tory government was even less likely to legislate in favour of Scottish Non-intrusionist policies than a Whig one, Evangelical support tended to shift back to that party.³²

Although Hutchison's arguments are, in general, true for the

30. T.Brown, *Annals*, (1893): p.282.

31. Chap.5 p.137

32. I.G.C.Hutchison, *A political history of Scotland*, (1986). pp. 15-25

whole of Scotland, they are not, at first sight, apparently so for the study area. Dundee, St. Andrews burghs and Fifeshire, the three parliamentary constituencies covering almost the whole of the study areas, all returned Whig/Liberal³³ M.P.s in every election from 1832 to 1852. However, a closer examination of the election results does reveal that in the general election of 1841 the Liberal candidates in Dundee and St. Andrews were returned with smaller majorities than in other elections. This shows that support for the Liberals had in fact declined in these constituencies. The Liberal candidate in Fifeshire was returned unopposed in 1841.³⁴

Ferguson takes a slightly different view regarding the electoral situation after the Disruption. He argues that many Tory landlords and other employers had harassed the members of the new Free Church by refusing them sites for church buildings and in other ways. As a result of this policy those Free Churchmen who qualified for an electoral vote tended to use it on behalf of the Liberal Party. This, he says, was particularly apparent in the Highlands in 1847.³⁵ While there is a certain justification for this argument it would seem that Ferguson's explanation is too simplistic. It is by no means certain whether the accession of Liberal strength in the Highlands, at this time, was due solely, or even mainly, to Tory persecution of the Free Church or was the result of some other factor, such as the Tory landowners' clearances in the area. Furthermore, Ferguson's explanation does not account for the support given to Liberal candidates in the study area where only one Free Church congregation had to wait as long as ten years to build a church because of the persistent refusal of a site by a Tory landowner.³⁶

33. By c1840 the Whigs in Scotland came to be known as Liberals. This was rather earlier than in England. I.G.C. Hutchison, *A political history of Scotland* (1986). pp.49-50. Thus there is the apparently anomalous position of Scottish Liberal M.P.s supporting a Whig government in London.

34. Charles Dod, *Electoral facts from 1832 to 1853*. (Brighton, Harvester Press, 1972)

35. W.Ferguson, *Scotland*, (1968). p.316.

36. pp.179-81 above.

Within the three study presbyteries 42% of the ministers, 54% of elders and possibly about 46% of the laity left the Established Church in 1843.³⁷ The only reliable national percentage figure for founder members of the Free Church is that of 38% of ministers provided by McCosh.³⁸ Thus, in the study area, 10% more ministers seceded to the Free Church than the national secession rate.

Many writers³⁹ seem to believe that about the same ratio of elders and laity left the Church of Scotland as did ministers. If these authors are correct, and there is no proof either way, then the study area percentages should be approximately 10% higher than the national secession rates of elders and laity. Thus, since 54% of elders and 46% of communicants seceded in the study areas, it could be said that nationally 49-50% of elders seceded as did 41-42% of the membership. An exodus of this magnitude, especially of elders, must have presented the Established Church with enormous problems as indeed were encountered by the ministers in the study area.⁴⁰ The national secession rate suggested here is possibly as erroneous as the earlier ones especially that for the laity which is based on a very small sample. None of these estimates help to arrive at a firm figure for the seceders as the total membership of the Church of Scotland in early 1843 is not known.

It can be argued that a different pattern of social organisation and settlement from that of the study areas, such as was apparent in the Stewartry or in the Highlands, might have produced different results. In an attempt to prove or disprove this argument 44 of the study parishes⁴¹ have been divided into five groups according to the degree of urbanisation (measured by the proportion of the parish population living in settlements of at least 100 persons). The average rate of

37. Chap.6 pp.161-66. Chap.8 pp.224-26.

38. McCosh, *The wheat and the chaff*, (1843).

39. including, J.M.Reid, *Kirk and nation*, (1960); J.H.S.Burleigh, *A church history of Scotland*, (1960); S.J.Brown, *Thomas Chalmers* (1982). vide.Chap.6 p.163.

40. Chap.5 pp.154-56.

41. Excluding those parishes without kirk sessions or for which no data are available.

secession by elders in each group of parishes has then been calculated. The results are shown in Table 9.1.

TABLE 9.1
RATE OF SECESSION BY ELDERS IN PARISHES OF DIFFERENT
DEGREES OF URBANISATION

Type of Parish	Number of Parishes	Number of Elders	%age join Free Church Average	Range ^a
Large Urban ^b	1	180	73	-
Urban ^c	11	79	40	0 - 100
Semi-urban ^d	11	70	47	0 - 100
Semi-rural ^e	9	33	52	0 - 83
Rural ^f	12	46	26	0 - 80

sources:- Appendix C; 1841 census of population

Notes. a) lowest to the highest rate of secession in individual parishes in each group.
 b) Urban parish with a population over 20 000.
 c) over 75% of the population live in settlements.
 d) 50% - 74% of the population live in settlements.
 e) 25% - 49% of the population live in settlements.
 f) less than 25% of the population live in settlements.

The number of parishes in each group is too small for any reliable conclusions to be drawn. However, it does seem likely that if an entire area, chosen for study, was truly rural the results shown would be different from that of the present study but such an area would not be representative of the whole of Scotland. Therefore no inferences regarding the rate of national secession could be drawn from such a sample. The markedly lower rate of secession in rural parishes was possibly due to the occupations of many of the elders involved. Among the 46 elders in the twelve rural parishes in this study there were ten schoolmasters, nine landowners and fourteen tenant farmers, all members of social groups unlikely to secede

Overall the parishes under discussion represent c5% of the total *quoad omnia* parishes in Scotland in 1843. Together they appear to form a reasonably representative area of the country. Thus they probably demonstrate a typical pattern of secession by elders, at least for the more developed areas below the Highland Line. North of that line the pattern may well have been different.

In each of the study presbyteries the proportion of seceding

elders was greater than that of seceding ministers. In Cupar Presbytery the proportions were 41% of ministers and 57% of elders; in St. Andrews Presbytery the proportions were 23% and 32% while in Dundee Presbytery they were 57% and 64% respectively. These figures suggest that the traditionally accepted national levels of secession rather understate the tendency of the laity to leave the Established Church and badly underestimate the situation *vis-a-vis* the eldership.

Figures from the study area also seem to indicate that the strength of feeling against the Erastian claims of the civil courts was greater and more widespread among elders than among ministers. This was particularly evident in Moderate dominated St. Andrews. This antagonism to Erastianism seems also to have been present among lay men who did not leave the Church of Scotland. Evidence for this lies in the fact that ministers of the Established Church found it difficult to persuade men to join their kirk sessions in the years immediately following the Disruption.

Apart from the effects on the size of congregations and membership of Church courts, what other effects did the Disruption have in Scotland? As has been seen, the Established Church lost control of the administration of the Poor Law in 1845.⁴² Also by 1845 the Church of Scotland had lost effective control of elementary education, as by that time the Free Church had set up some hundreds of its own schools and would not tolerate any interference in them by the 'Auld Kirk'. Following the failure of the attempt by St. Andrews Presbytery to oust Sir David Brewster from the principalship of the United College, the Church, in 1853, also lost its influence over the appointment of staff to universities except for those directly concerned with the education of ministers. Finally the Education Act of 1872 removed all elementary schools from Church oversight and placed them under the control of elected school boards.⁴³ Although the civil role of the Church of Scotland was completely ended by 1872 the influence of the Church continued indirectly since elders were often elected to the

42. Chap. 5 pp. 156-57.

43. Chap. 5 pp. 155-56

various local boards.

There is another alleged effect of the Disruption which is seldom mentioned in the literature, especially that written from a Church History standpoint. The Disruption, it is said, so absorbed middle class interest and charitable giving, especially of those taking the Free Church side of the controversy, that they were prevented from attending to other social questions. The result, it is argued, was that Scotland failed to develop the legislation and improvements in general sanitation and public health which were vital to combat endemic diseases, such as typhus and typhoid, as well as epidemic ones, like cholera, for at least twenty years after England.⁴⁴ This is a very interesting point of view and one that is relatively easy apparently to justify. It is true that, for many members of the middle classes, the Church/State controversy, both before and after the Disruption, became an all-absorbing interest. It does not follow, however, that this was the sole reason for the lack of progress in public health in Scotland. Improvements in this field would have increased public spending leading to higher rates and taxes. In the period under discussion many Scots were prepared to contribute, and even at times contribute generously, to charitable enterprises, particularly if they could be convinced such contributions would benefit themselves. They were also equally ready to oppose any suggestion of increases in local or national taxation for whatever purpose. Thus the causal effect of the Disruption on the lack of improvement in public health is by no means proven.

Rosalind Mitchison makes a slightly different criticism. She argues the Evangelicals were so concerned with personal salvation that, except for resistance to lay patronage in the Church, they were inclined to accept the social system uncritically and not to seek change.⁴⁵ This may have been true of some older Evangelicals but was certainly not true of some some younger men like James Begg (Newington Free), who was

44. A.A. Maclaren, *Bourgeois ideology and Victorian philanthropy*, in Maclaren (ed), *Social class in Scotland*, (Edinburgh, John Donald, n.d.) p.42.

45. R. Mitchison, *Life in Scotland*, (London, 1978) p.128.

to become active in improving housing for the working classes and advocating better education for children.⁴⁶

The Disruption was not confined to the civilian population of Scotland itself. Similar splits occurred in the Established Church of Scotland congregations in the colonies. For example, Ralph Robb was released from his charge in Strathkinness Free Church on 10th May, 1843 in order to minister to the Free Church members in Halifax and St. Johns, Nova Scotia.⁴⁷

Strange as it may seem to anyone who accepts uncritically the popular image of an army which, in Victorian times, was to a considerable degree composed of brutal, drunken and licentious soldiers, utterly estranged from Christian virtues and with no interest in Church affairs, the Highland regiments were markedly affected by the Disruption. Diane Henderson has graphically shown how one regiment, the 93rd Highlanders⁴⁸, was affected by the event. She writes:-

"From the difficulties in the Highland regiments which resulted from this [the Disruption] it is clear that a high proportion of Highland soldiers were active religious participants and were also aware of the religious and political implications. The 93rd were in Canada at the time of the Disruption where, despite the efforts of Lt. Colonel Robert Spark, the Commanding Officer, who was strongly anti-Free Church, half the men of the Regiment joined the breakaway movement. Spark, according to J.S. Ewart, actively issued threats to men joining the Free Kirk and refused to promote William McBean, then an N.C.O., to Colour Sergeant on the grounds that he was a 'Free-Kirker'. Surgeon Munro of the 93rd also refers to 'the injudicious interference with religious feeling' which reflected upon the discipline of the 93rd which led to 'Restlessness, irritability, a tendency to drunkenness and an inclination to offer resistance to authority'."⁴⁹

It is indicative of the strength of feeling engendered by the Disruption that the commanding officer of a first class regiment should have impaired the efficiency of his command over the issue.

Another question to be asked about the Disruption is. whether

46. *Dictionary of National Biography*, vol. IV pp.127-28.

47. St. Andrews Free Presbytery minutes, 10th May, 1843.

48. This regiment became the 2nd Batt., the Argyll and Sutherland Highlanders in 1881. C. White, *Our regiments and their glorious records*, (London, C. Arthur Pearson, 1915) p.128.

49. D. Henderson, *Highland Soldier*, (1989). pp.285-86.

such an event was inevitable? There is a school of thought which regarded the Disruption as an unfortunate accident which could have been averted by the influence of sensible, moderate men on both sides of the controversy.⁵⁰

The trouble with this theory is that it belongs to, what might be termed, the "if" school of historical analysis and thus can present a plausible argument unsupported by fact. Certainly if the 1843 Scottish Benefices Act had been passed in 1840 when Lord Aberdeen first attempted to find a legislative solution to the controversy⁵⁰ the Disruption might have been postponed or been much smaller. Nevertheless some other radical change in the relationship between Church and State would almost certainly have occurred.

In fact, once Robert Young, aided by John Hope, Dean of Faculty, involved the civil courts in the affairs of the Church in 1838 the Disruption became inevitable. The claims of the civil courts to dictate to the Church of Scotland coupled with the rigidity and lack of understanding shown by English politicians prevented any arguments from "moderate men" being influential in the Scottish Church.

In the period since 1843 much has been written about the events surrounding the Disruption. Most of this literature has centred upon the activities of the General Assembly of the Church of Scotland and on leading personalities of the Church. Little has been written about the roles of ordinary parish ministers, elders and the laity at this time. Without the wholehearted and widespread support of these people in "time, talents and money" the Disruption could not have succeeded, if, indeed, it could have taken place at all.

This study attempts to examine the activities of people who were not prominent in the Church/State controversy but whose participation determined the outcome of the campaign against State control of the Church. The geographical areas considered show a cross section of the national economic and social situation and their population displayed the gamut of Scottish theological, ecclesiastical and

50. R.H.Story (ed), *The Church of Scotland*, (n.d.), vol.3 p.828.

51. Chap.4 p.92

political opinion. Thus conclusions drawn from the study area are probably not untypical of Lowland Scotland.

Many local men and women had been active in support of the Non-intrusionist cause for some years before the Auchterarder case. After that event they became even more active in support of the Church. Local Non-intrusion associations became church defence associations and new groups were formed in other parishes. Some larger parishes had two such associations. Cupar was one such example, having a middle-class association and also one formed by and for working men. In St. Andrews some students formed an apparently successful defence association three years before one was founded for the townspeople. As a result of this and similar activity across the country the number of petitions to Parliament for a change in the working of the Patronage Act steadily increased.

In 1842 the General Assembly adopted the 'Claim of Right'. This document was strongly supported by the eldership. Of the fourteen elders, commissioned from the study areas to this Assembly, nine voted in favour of the 'Claim'. Four other elders, all from the St. Andrews area, opposed it and one abstained.

Despite the importance of this document, which set out clearly what most Church members believed to be the legal position of the Church, it attracted little comment within the study area. None of the three local presbyteries saw fit to discuss the issues involved. Only the *Fife Herald*, among the local newspapers, commented on its adoption and did not, subsequently, mention the matter. This paper stated:-

"The question is *not* what is right or what is profitable - not "What saith Scripture", but what says the the civil statute under which the Church of Scotland, as an establishment lies...[whether the Civil or Church courts have the power to interpret laws]...common sense of the country is out-and-out against the claims of the Church".⁵²

The editor, on this occasion, seems to have somewhat exaggerated the size of the opposition to the 'Claim of Right'

Sir James Graham's long awaited rebuttal of the 'Claim' aroused

52. *Fife Herald* 9th June, 1842.

a little more interest in the local press. The editor of the *Fife Journal* published a resume of Graham's letter and promised to comment later. This he did not do. The *Dundee Advertiser* stated the reply left no doubt that the question was seen as closed by the Government and continued:-

"It now remains for the two parties to make their election - one to continue in the exercise of their duties subject to the law...the other, we presume, to secede from an establishment whose conditions are inconsistent with their ideas of obedience to God".⁵³

In his comments on Graham's letter, the editor of the *Fife Sentinel* claimed that the Veto Act was but a redeclaration of an old law of the Church⁵⁴ which had not been observed for almost a century but had never been repealed. Even "...after passing the Queen Anne act this right of rejection was admitted to belong to the Church by the Civil Court".⁵⁵ These comments appear to have been true and must have proved difficult for some Moderates honestly to rebut.

Apart from the comments outlined above the local newspapers paid no attention to the 'Claim of Right'. This lack of reaction is rather surprising given the widespread interest in the progress of the controversy between the Church and the State. Furthermore no letters from readers on the subject were published by the editors of these papers.

In addition to adopting the 'Claim of Right' the 1842 General Assembly also finally adopted an act which provided for the election of elders by congregations. This act had been formally approved by the study presbyteries although it was bitterly opposed by Robert Haldane (St. Andrews).⁵⁶

The only controversy on the issue, within the study areas, was in the Parish of St. Andrews. Robert Haldane (1st charge) was determined to have five men ordained before the new act came into force.

53. *Fife Journal* 12th and 19th January, 1843; *Dundee Advertiser* 13th January, 1843.

54. The 2nd Book of Discipline (1581) Chap.3 para.5 states:- "that na person be intrusit in any of the offices of the kirk contrar to the will of the congregation to whom they ar appointed". D. Calderwood, *History of the Kirk*, (1842-49) vol.3 p.534.

55. *Fife Sentinel* 19th January, 1843.

56. Chap.8 p.210.

Accordingly, on Sunday 15th May, 1842, he read an edict for their ordination with objections to be made before the following Sunday. At the kirk session meeting on 22nd May, 1842 twelve members of the congregation complained that only six days had been allowed for objections instead of ten as prescribed by Church law. George Buist (2nd charge) denied the existence of the law but the kirk session agreed to defer the ordination for another week. The following week 99 members objected that the session had not intimated the extension. Nevertheless session voted to proceed with the ordination of the five men. One elder, James Whyte⁵⁷, dissented and appealed to presbytery. Presbytery rejected the appeal which was then taken to Synod and then to General Assembly in 1843. The 'residuary' Assembly rejected the appeal and supported the kirk session's action.⁵⁸ The *Witness* claimed that similar events had occurred in other parishes across the country.

The Convocation, intended to boost support for a possible secession, held in Edinburgh later in 1842 was attended only by invited ministers. 28 ministers from the study area attended and all signed both sets of resolutions.⁵⁹

The *Witness* noticed a number of addresses from elders pledging support for ministers who had signed the documents. Among the signatories were 69 members of seven *quoad sacra* kirk sessions in Dundee. It was also reported that only seven members of these seven kirk sessions had refused to sign the addresses.⁶⁰ This report would seem to indicate that there was solid support, at least among urban elders, for the Convocation decisions. There are no reports in any of the local newspapers of similar action being taken by members of

57. James Whyte was a merchant who did not secede to the Free Church.

58. St. Andrews kirk session minutes 15th, 22nd and 29th May, 1842; St. Andrews Presbytery minutes 8th June, 1842; Fife Synod minutes 11th October, 1842; The *Witness* 2nd and 11th June and 15th October, 1842; Fife Journal 13th October, 1842.

59. Chap. 4 pp. 98-100. Robb, *Kirk parties in Scotland*, (1977) pp. 375-97, 410-24.

60. Lochee, St. Clement's, St. John's, Chapelshade, Hilltown, St. Peter's and St. Andrew's. The *Witness* 21st December, 1842.

other kirk sessions in the study areas. Nevertheless, the fact that 54% of the eldership in the study areas seceded to the Free Church indicates that support for the Convocation resolutions was widespread among these office bearers.

This study has lent support for one widely held belief; that some Free Church congregations experienced great difficulty in acquiring a site for church and manse. It has also shown that, provided a congregation could afford to buy a site, this problem was only encountered in parishes where all the land was in the possession of one owner who was particularly antagonistic to the new Church. In other parishes there was usually someone willing to part with sufficient land to allow a church, if not also a manse and school, to be built.⁶¹

A traditional claim against the Free Church is that it did nothing to help the poor. The only part of the study area with a major problem of pauperism was the parish of Dundee where this claim was certainly untrue. Free Church records from the burgh show, from early 1844, the variety of ways in which individual congregations sought to assist the poor folk of their areas. Some kirk sessions supplemented poor fund allowances to their members by payments from the surplus of communion offerings, while others paid for the education of their pauper children. Congregations with large numbers of poor families in their district employed assistants to visit the aged, infirm and poor and to conduct services in their homes. By the late 1840s, at the instigation of Dundee Free Presbytery, most Free Church congregations in the burgh were maintaining educational and recreational centres in the poorer districts of the parish.

Apart from such parochial initiatives the General Assembly of the Free Church began a scheme of seconding eighteen ministers a year to spend a month each in evangelistic work among the poor. Furthermore there was Chalmers' West Port scheme in Edinburgh which was copied in other deprived districts and which met with some success.⁶²

61 pp.176-82 above.

62. Chap.6 pp.183-86.

One part of the study illustrates a point which has not been widely commented upon. It is a common belief that the secession from the Church of Scotland occurred on 18th May, 1843 and during the period immediately following that date. Despite a brief notice by Buchanan⁶³, few authors mention that the secession had already taken place in certain presbyteries, including Cupar and St. Andrews. Buchanan, a Free Church minister closely associated with the leaders of the Disruption, claimed that twelve presbyteries were involved in this action. Contemporary newspapers, within the study areas, however, reported, without editorial comment, that fifteen presbyteries (or c20% of the total number of presbyteries in Scotland) had formally divided some weeks before the final events of the schism took place in Edinburgh.

The St. Andrews Presbytery minutes merely record that "Mr. Jackson⁶⁴ had moved that the names of "Ralph Robb, minister at Strathkinness and his elder, George Aitken, be removed from the roll". This motion was carried by seventeen votes to eight. Newspaper reports show the issue was not settled in the placid manner indicated by the minutes. There was a long and acrimonious discussion before the vote was taken. All attempts by the minority to register protests were rejected by the majority members.

The members who voted against the motion were Robert Brown (Largo), Charles Nairn (Forgan), Andrew Brown (Cameron) and Ralph Robb (Strathkinness), ministers and Robert Melville, George Aitken, Mr. Robertson and Alexander Rhind, elders. These men were the only Non-intrusionists present at the meeting and all, with the exception of Andrew Brown, left the meeting to set up a Free Presbytery in the Secession church (now Hope Park) in St. Andrews. Andrew Brown's vote against the expulsion of the Strathkinness minister and elder was his last act against the Moderates. Although Andrew Brown had been invited to the Convocation he had refused to attend and he did not leave the Established Church.

63. Buchanan, *Ten years conflict*, (1852). vol. II p.432.

64. Thomas Jackson, Prof. of Biblical Criticism and Theology, St. Mary's College.

In reporting the meeting the *Fife Journal* remarked that Dr. William Ferrie (Kilconquhar), William Nicholson (Ferryport-on-Craig), John Cooper (Pittenweem) and William Ferrie yr (Anstruther Easter), all supporters of the Non-intrusionist Party, had been "prudently absent". They were then congratulated for beginning to see reason. These snide remarks were completely unjustified in the cases of Nicholson and the younger Ferrie since they both joined the Free Church at its inception.⁶⁵

Cupar Presbytery also divided on the issue of the admissibility of *quoad sacra* members. A motion, by John Anderson (Newburgh), to oust William Elder (Cupar, St. Mary's) and his elder was defeated on 28th March, 1843. During the course of the debate Elder claimed, rightly, that if he was an illegal member of the court then so were all the other members who had been admitted at meetings he attended. This remark caused laughter but it could have had serious consequences for six ministers on the presbytery if action had been taken on it. However, the Moderates found themselves temporarily in a majority at the next meeting and, after a long argument, forced the expulsion of William Elder and his elder, Oliver Melville. Most of the Non-intrusionists at the meeting then withdrew to the George Inn and constituted themselves a Free Presbytery.

Those ministers who took part in the move were Andrew Melville⁶⁶ (Logie), John Macfarlane (Collessie) and Adam Cairns (Cupar, 1st charge). They were joined by five elders; David Maitland-Magill-Crichton (Collessie), Duncan McIntyre (Cupar), William Brodie (Dairsie), Arthur Kinnear (Logie) and Oliver Melville (Cupar, St. Mary's).

William Elder, whose presence had caused the rift, left the meeting but did not join the Free Church. James Brodie (Monimail) and John Murray (Dunbog) remained but joined the Free Church later.⁶⁷

65. Chap.3 p.77; St. Andrews Presbytery minutes 29th March, 1843; St. Andrews Free Presbytery minutes 29th March, 1843; *Fife Sentinel* 13th April, 1843; *Fife Journal* 13th April, 1843.

66. Melville had signed the invitations to attend the Convocation.

67. Chap.3 pp.85-86; Cupar Presbytery minutes 28th March and 25th April, 1843; Cupar Free Presbytery minutes 25th April, 1843; *Fife Journal* 30th March and 27th April, 1843; *Fife Sentinel* 30th March, 1843; *The Witness* 1st April, 1843.

In Dundee the Moderates made no attempt to oust the *quoad sacra* members of presbytery, probably knowing that any such move would be defeated. In fact they all absented themselves from the presbytery meeting on 3rd April, 1843, the last such meeting before the General Assembly met in May, 1843. In this, the nine Moderate ministers in Dundee Presbytery differed from the two Moderate ministers who attended the April meeting of Dunkeld Presbytery only to have their motion, to remove *quoad sacra* members from the roll, overwhelmingly defeated.⁶⁸

It is clear that in St. Andrews and Cupar Presbyteries, at least, the insistence by the Moderates that *quoad sacra* ministers and elders be removed immediately from church courts, led to schism. Those who felt most strongly on the issue went at once while other office bearers followed after the break in Edinburgh. Similar events occurred in other presbyteries where courts of the Free Church were formed early.

It is noticeable that the presbyteries which divided in the weeks before 18th May, 1843 were ones in which Moderates formed a majority. Free Presbyteries were not formed prior to the Disruption in areas, such as Dundee and Dunkeld, where the Non-intrusionists were in a majority. In such areas it would have been the Moderates who had to break away to form a rival presbytery. This argues that Moderates were prepared to encourage a schism where they could clearly be seen to have remained in the National Church but were not prepared, under any circumstances, to be seen as schismatics themselves. There was one apparent contradiction to the statement in the previous sentence. When Aberdeen Presbytery met on 28th March, 1843 Dr. Forbes proposed that *quoad sacra* ministers and elders be declared not members of the presbytery. This motion was lost with 21 to 31 votes. The *quoad sacra* members voted with the majority. "The Moderates then withdrew to another place of meeting and elected representatives [to Assembly]....". However, as the Presbytery Clerk was a Moderate he took the presbytery books with him when he left the meeting. Hence the Moderates could have claimed they had adjourned the legitimate presbytery to meet elsewhere and had not set up a separate new

68. Chap. 3 p. 82 above. Dundee Courier 11th April, 1843. Aberdeen Journal 5th April, 1843

presbytery.⁶⁹

The roots of the dispute between the Church of Scotland and the State which ended in the Disruption in 1843 can be traced to the re-imposition, by the new government of Great Britain in London, of lay patronage in 1712. It began as a protest against this action but as time passed other strands of contention developed. These involved ecclesiastical, theological, political, legal and social aspects. By the end of 1841 these strands had become woven into one major cause of dispute - the spiritual independence of the Church, sometimes picturesquely referred to by contemporaries as "The Crown Rights of the Redeemer".

With the advent of the new perspective the whole controversy was basically changed. Previously it had been a relatively minor dispute about whether members of a congregation should have any say in the selection of parish ministers. Now it had become much more serious and concerned fundamental aspects of Presbyterianism. The main point at issue was how far could the Church allow the State, as represented by the civil Court of Session, to dictate its internal policies without the Church ceasing to represent Christ on earth and becoming merely a government department at prayer. By 1841 the civil Court of Session was already claiming, among other matters, the right to decide who should or should not be ordained to the ministry.⁷⁰

Such were the points at issue at a national level. As has been seen in earlier chapters of this study the same issues motivated the local protagonists on both sides of the dispute. This was shown in debates at presbytery meetings and at General Assembly⁷¹, and in

69. Fife Herald 6th April, 1843.

70. Chap.2 pp.28-29 above.

71. Kirk session records do not report any discussions on such matters. Perhaps parish elders were so concerned with disciplinary cases they had no time to consider controversial matters. More probably the dispute was not mentioned in kirk session meetings in order to preserve some degree of unity among the elders. It is even more likely the omission was due to the minutes being kept in conformity to conventions which precluded the insertion of such details.

local newspaper reports, editorials and published letters.⁷²

The three presbyteries in this study each reacted differently to the controversy between the Church and the State. The stance each presbytery adopted was in part a reflection of its social and economic structure.

St. Andrews Presbytery area was almost entirely dependant economically on farming, fishing and the university. The elite therefore, tended to be landowners, people of independent means, university professors and other professional men. These groups had a vested interest in the maintenance of the *status quo* which allowed them personal privileges. They were thus fundamentally opposed to any change in Church or State which might reduce their privileges. The middling and lower classes in the presbytery lived in a rural and burgh environment which was locked into a deference system which acknowledged that social elite. In such circumstances it was unlikely that these groups would offer much overt opposition to the opinions of the ministers and elders relating to the Church/State controversy. Furthermore there would be a ready supply of establishment-orientated men to form a pool of potential elders. It is not surprising, therefore, that the St. Andrews presbyters strongly supported the State during the period of conflict with the Church and that the rate of secession there from the Established Church was the lowest of the study areas.

Dundee Presbytery area was largely dependant economically on manufacturing industry. Thus the leaders of society tended to be men whose wealth was firmly based in industry and commerce. These men were in the forefront of campaigns for wider influence in matters of Church and State and were opposed to the continuance of the traditional privileges of the landed elite. The Dundee presbyters tended also to oppose the claims of the Court of Session to control the affairs of the Church. Between February, 1840 and October, 1842 this presbytery sent two petitions to Parliament supporting non-intrusion and the spiritual independence of the Church. The members also submitted

72. Chaps. 2 and 3 above.

overtures to General Assembly three times on the same subjects. They further requested that the Assembly should discipline those probationers who appealed to the civil courts on the grounds that they were in breach of their oaths to the Church. On two other occasions the Dundee Presbytery asked Assembly to take steps to secure the repeal of the Patronage Act. It also passed resolutions attacking the decisions of the civil court in the Auchterarder and Marnoch cases and supporting the stance of the General Assembly in the controversy.⁷³ In the outcome of the Disruption the Dundee presbyters showed the highest rate of secession of the three study presbyteries.

Cupar Presbytery area economically came between the extremes of the St. Andrews and Dundee areas. This area was dependent on both manufacturing and agrarian businesses. Thus the Cupar presbyters were divided between those who supported and those who opposed the retention of the *status quo* in Church/State relations. Partly for these reasons the rate of secession in 1843 was higher than that of St. Andrews but lower than in Dundee.⁷⁴

There is evidence that, at least in the study areas, elders and laity were more concerned for the independence of the Church than were the ordained ministers. Much higher percentages of elders (53.7) and of laymen (46%) seceded from congregations in the study areas than did ministers (41.7%).⁷⁵

Following the beginning of the attack by the civil courts upon the privileges of the Church in 1838 there was a marked growth in the number of kirk sessions which commissioned elders to presbyteries. This appears to indicate that elders were increasingly aware of the need to combat the encroachment by the civil courts on the internal affairs of the Church. Furthermore there were occasions when elders' votes in the higher church courts ensured the passing of reforming legislation

73. Dundee Presbytery minutes 5th February, 1840; 1st April, 1840; 6th May, 1840; 2nd December, 1840; 16th December, 1840; 10th February, 1841; 2nd February, 1842; 6th April, 1842; 5th October, 1842.

74. pp. 224-26, 166, 191 above.

75. pp. 39-42 above.

which would possibly have been lost if ministerial votes alone had counted.⁷⁶

It has not proved possible, due to the lack of reliable information, to discover exactly how widespread was the opposition to the claims of the Court of Session and to the Moderate policies before the Disruption. The number of ministers, elders and laity who seceded to the Free Church indicates the size of the opposition that was able and willing to leave the Establishment in 1843.

There were, however, a number of ministers who, for various reasons, did not join the Free Church but who had been definite supporters of the opposition before that date. These men were listed by McCosh⁷⁷ as second class Moderates. There were eleven such ministers within the study areas.⁷⁸ They represented 26% of the 42 study ministers who remained in the Church of Scotland. Thus, if these are included, it can be argued that 41 (57%) of the 72 ministers in charges within the study areas supported the Church during the controversy with the State prior to the secession.

There are no figures available to show how many elders remained in the National Church despite being fundamentally opposed to the claims of the State. There can be no doubt, given the economic pressures that were experienced by certain occupational groups within the eldership⁷⁹, that a number of elders remained in the Established Church while sympathising with the views of the seceding party.

There is also no reason to suppose that the general membership of the Church held different opinions from the office bearers. Thus it can be argued that a larger proportion of the laity probably supported the Church against the State than is indicated by those who left the Establishment⁸⁰ and that in the study areas a majority of the

76. see e.g., pp.209-210 above.

77. J.McCosh, *The wheat and the chaff*, (1843).

78. pp.205-206 above.

79. Teachers, tenant farmers, agricultural labourers. p.232 above.

80. This statement is supported by the fact that the Established Church ministers in the study areas found great difficulty in persuading men to become elders after the Disruption. pp.134-37 above.

total membership of the Church of Scotland - ministers, elders and laity - may in principle have supported the claims of the Church against those of the State. There is, however, no firm evidence to support this argument and it must remain an impression. The real test remains the number of members who physically seceded to the Free Church.

This thesis examines how the presbyteries of Cupar, Dundee and St. Andrews reacted to the issues involved in the controversy which culminated in the Disruption. The reactions shown by the various groups within the Church, both presbyteries and congregations, were, in part, reflections of their social and economic backgrounds.

The study presbyteries, unlike some others, notably Auchterarder and Strathbogie, were unaffected by specific instances of non-intrusion which led to suits before the civil courts. There were, however, within the study areas, two disputed attempts to settle ministers into charges, namely at Kemback and Kettle, but these were settled by the Church courts without the experience of civil interference.⁸¹

Overall, the local sources available, whether newspapers or church records, reveal that, in the three presbytery areas under consideration the issues involved in the controversy differed little from the focal points of the national debate. Individual personalities and other factors did at times, however, lead to interesting local variations.

For instance, the Rev. George Cook, Professor of Moral Philosophy in the United College in St. Andrews, was the national leader of the Moderates and as such was a man of great influence on the Edinburgh scene. He did not, however, hold a parochial charge and for this reason had no permanent seat in local church courts above the level of kirk session, although as an elder in St. Leonard's Parish, he was occasionally commissioned to the St. Andrews Presbytery.⁸² Lacking a seat on presbytery or synod any local influence Cook was able to exert had to operate through the channels of friendship and respect for his

81. pp. 48-53, 229-31 above.

82. Cook was commissioned by his kirk session on five occasions in the thirteen years before the Disruption. His last commission was in May, 1839. St. Leonard's Kirk Session minutes.

views. Outwardly at least he did not function as the prominent spokesman for the Moderate cause that he was at the national level. Nevertheless, he was almost certainly influential behind the scenes. Four university professors were ministers in parochial charges and another had a permanent seat on presbytery as the Professor of Divinity. Six other professors, like Cook himself, were elders in St. Andrews or St. Leonards parishes. Among these eleven men only two, Sir David Brewster and William Ferrie snr.,⁸³ were unlikely to have listened to any advice Cook may have offered or to have sought to persuade their fellow presbyters to adopt Cook's policies. Despite this degree of affinity with his standpoint it is clear that on some issues Cook's advice was either not sought or not heeded.⁸⁴

One such issue was the Brewster affair (1843-1853) in which the Moderate presbyters of St. Andrews failed dismally to achieve their objective. Their attempt to oust Sir David Brewster from the office of Principal of the United Colleges of St. Salvator and St. Leonards in St. Andrews because he joined the Free Church ended in misfortune for the National Church. As a result of the Presbytery's actions the Government removed the right of the Established Church to administer religious tests to presentees to university posts. The Church, thereafter, retained control only of appointments to posts in faculties of Divinity.⁸⁵

It has been seen that differences in the social and economic backgrounds of presbytery areas appear to have had an effect on the way those areas reacted to the challenge of the Disruption. The rural St. Andrews area held strongly to the Established Church while the rapidly industrialising area of Dundee opted equally strongly to join the Free Church.

83. Brewster was Principal of the United Colleges and joined the Free Church in 1843. Ferrie was minister of Kilconquhar and Professor of Civil History but, although a staunch non-intrusionist, he did not secede to the Free Church.

84. It is unlikely, for example, that Cook would have encouraged the presbytery to have proceeded as far as it did in the Brewster case since he would probably have been aware of the possible consequences.

85. pp. 146-55 above.

Another interesting facet that has emerged from this study is the apparent difference in the importance given to the theological and ecclesiastical aspects of the Disruption by ministers and elders. It is reasonable to expect that, if these factors had been the only ones to influence an individual to remain in the 'Auld Kirk' or to leave it, there would have been little difference in the social and personal characteristics of the two groups. In fact, those ministers who remained in the Established Church, as a group, were older, had waited longer before obtaining a charge, had enjoyed higher stipends and had had closer relationships with their patrons than colleagues who left to join the Free Church. These factors are especially apparent in the eleven ministers included in this study who McCosh termed "second class Moderates".⁸⁶ Throughout the country McCosh listed some 200 such ministers or approximately one quarter of all ministers who remained in the Established Church.⁸⁷

It can be argued that personal and social characteristics were more important to a large proportion of those ministers who remained in the Established Church than to those who did not. Therefore it can also be argued that such characteristics were more important in individual decision-making on the part of many ministers than were theological and ecclesiastical factors.

By contrast personal factors seem to have been important only to a small proportion of elders (some 10%) in a very limited range of occupational groups.⁸⁸ Overall, there were only minor differences found between the personal social and economic characteristics of the elders who seceded and those who remained in the 'Auld Kirk'. Thus it can be argued that the theological and ecclesiastical factors were of greatest importance in the decisions made by the eldership.

A corollary of this point is seen in the immense importance of laymen and women of "middling" social status to the subsequent success of the Free Church.

86. J. McCosh, *The wheat and the chaff*, (1843)

87. nearly the same proportion as has been found in the study presbyteries.

88. Teachers, tenant farmers and agricultural labourers. p.232 above.

A further point of interest arising from this study concerns the number of presbyteries in which schism occurred before the main events of the Disruption took place in Edinburgh.⁸⁹ All fifteen presbyteries involved in premature schism had, at least temporarily (as in Cupar), a Moderate majority of members. In each case the Moderates forced the removal of *quoad sacra* ministers and elders from the roll. This caused the Non-intrusionists to leave the meeting abruptly to set up a Free Presbytery.

One final area touched upon by this study concerns the size of the Disruption, and in particular the difficult matter of the scale of secession by the laity. Various estimates of a 30%-40% defection among the ordinary church membership have been offered but little in the way of firm evidence has been adduced.⁹⁰ This study suggests on the basis of these particular presbyteries that numerically the total secession of laymen may have been as high as c46% with the secession of elders even higher at 54%. Both these figures considerably exceed the levels traditionally accepted, although any final conclusion must await further local studies over much wider areas.

89. pp. 77, 82, 85-86, 127-28, 275-77 above.

90. J.M.Reid, *Kirk and Nation*, (1960) p.143; J.H.S.Burleigh, *Church History*, (1960) pp.352, 373; Stewart Brown, *Thomas Chalmers*, (1982) p.336.

APPENDIX A

CHARACTERISTICS OF MINISTERS IN THREE PRESBYTERIES
MAY, 1843

Column

1. Name of minister
 2. Parish
 3. Join F.C. - whether or not the minister joined the Free Church
 4. Age - Minister's age at the Disruption
 5. Years Lic. - Number of years between licencing and ordination
 6. Years Ord. - Number of years the minister had been in the parish before the Disruption
 7. Univ. Att. - University attended
 - A = Aberdeen
 - E = Edinburgh
 - G = Glasgow
 - S = St. Andrews
 - Note. More than one letter indicates the minister attended more than one university
 8. Stip - Stipend including the value of the glebe where appropriate
- note. NK = not known.

Minister	Parish	Join F.C.	Age	Years Lic.	Years Ord.	Univ. Att.	Stip.
<u>PRESBYTERY OF CUPAR</u>							
John Duncan	Abdie	no	29	4	4	S	256
Robt. Johnstone	Auchtermuchty	no	43	6	10	G	273
John Thomson	Balmerino	no	46	4	22	E	257
Joe. Crichton	Ceres	no	89	10	50	E	229
John Duncan	A & S	yes	41	7	4	E	70
John Macfarlane	Collessie	yes	45	2	10	E	238
Alex. Lawson	Creich	no	55	6	27	S	234
Jas. Anderson	Cults	no	39	9	4	G E	173
Adam Cairns	Cupar 1st charge	yes	41	4	5	S	280
Jas. Cochrane	2nd charge	no	38	12	1	E	259
Wm. Elder	St. Marys'	no	39	NK	7	S	100
Angus Macgillivray	Dairsie	yes	38	1	2	A G	261
John Murray	Dunbog	yes	35	6	5	E	212
George Smeaton	Falkland	yes	29	1	2	E	270
Jas. Taylor	Flisk	yes	30	1	0	G	152
Wm. Reid	Kettle	no	33	3	0	G	246
Henry Cook	Kilmany	no	52	2	27	S	255
And. Melville	Logie	yes	68	3	40	S	217
Jas. Brodie	Monimail	yes	43	7	14	A	269
Alex. Kidd	Moonzie	no	62	5	35	S	217
John Anderson	Newburgh	no	47	1	9	S E	265
Geo. Middleton	Strathmiglo	no	36	4	7	S	229

PRESBYTERY OF DUNDEE

Jas. Wilson	Abernyte	no	67	NK	35	NK	173
Geo. Winehouse	Auchterhouse	no	62	4	24	A	241
David Davidson	Broughty Ferry ²	yes	41	5	15	E S	140
Dundee <i>quoad omnia</i> Parish.							
Arch. McLachlan	St. Marys 1st charge	no	81	3	34	G	311
Chas. Adie	South Church 2nd charge	no	57	4	16	S	275
Jas. Thomson	St. Clements 5th charge	no	72	1	36	E	300

Minister	Parish	Join F. C.	Age	Years Lic.	Years Ord.	Univ. Att.	Stip.
Wm. Reid	Chapelshade ²	yes	50	10	13	G	150
Alex. McPherson	Dudhope ²	yes	37	NK	1	G	80+
Geo. Lewis	St. Davids ²	yes	43	9	3	G E S	275
John Roxburgh	St. Johns 4th charge	yes	37	5	9	G	275
David Arnot	St. Pauls 3rd charge	no	40	8	6	E S	274
Chas. Macalister	Gaelic ³	yes	54	3	11	G	110
John Baxter	Hilltown ²	yes	34	7	4	S	170
Wm. Stewart	Lochee ²	yes	48	NK	11	E	155
James Law	Mariners Chapel ³	yes	77	4	4	S	NK
vacant	St. Peters ²						
James Ewing	St. Andrews ²	yes	33	4	5	G	70
Pat. Miller	Wallacetown ²	yes	31	NK	2	E	150
Robt. Aitken	Williston ¹	yes	56	1	26	G	175
John Honey	Inchture & Rossi	no	37	3	6	S E	254
John Spence	Kinnaird in Gowrie	no	43	1	17	E	184
Geo. Addison	Liff & Benvie	no	64	1	25	A	285
Robt. Walker	Longforgan	yes	63	6	20	E	281
Thomas Irvine	Lundie & Fowlis Easter	no	49	2	21	E	210
David Cannon	Mains & Strathmartine	no	69	1	22	E	254
Sam. Miller	Monifieth	yes	33	2	7	S	267
Jas. Miller	Monikie	yes	66	3	15	S	251
John Currie	Murroes	no	50	4	22	NK	187
David Mellis	Tealing	yes	42	6	7	E	172

PRESBYTERY OF ST. ANDREWS

Wm. Ferrie	Anstruther Easter	yes	28	3	3	S G E	156
Hew Scott	Anstruther Wester	no	52	9	3	E	164
Andrew Brown	Cameron	no	38	6	5	S	209
Anstruther Taylor	Carnbee	no	49	0	16	S	268
Wm. Merson	Craill	no	50	13	15	A S	310
Jas. Roger	Dunino	no	76	14	18	S A	226
Geo. Milligan	Elie	no	51	18	11	E	177

Minister	Parish	Join F.C.	Age	Years Lic.	Years Ord.	Univ. Att.	Stip.
Wm. Nicholson	Ferryport on Craig	yes	47	NK	14	S	194
Chas. Nairn	Forgan	yes	39	9	7	E	230
Jas. Macdonald	Kemback	no	91	1	62	NK	181
Wm. Ferrie	Kilconquhar	no	60	NK	29	G	282
Geo. Dickson	Kilrenny	no	58	3	7	E	278
Geo. Wright	Kingsbarns	no	55	0	23	E	280
Robt. Brown	Largo	yes	51	5	11	S	284
David Watson	Leuchars	no	66	10	24	E	268
vacant	Newburn						
John Cooper	Pittenweem	no	41	7	8	E	178
Robt. Haldane	St. Andrews 1st charge	no	61	9	22	G	462
Geo. Buist	2nd charge	no	64	1	1	S E	177
Ralph Robb	Strathkinness ¹	yes	43	NK	15	G	76
Jas. Hunter	St. Leonards	no	71	0	18	S	177
Robt. Swan	St. Monans	no	70	8	39	S E	162
Chas. Fowler	A & S	no	26	1	0	S	NK

Source. *Fasti* vol.5

Notes.

1. *quoad sacra* parish - ex-Original Secession Church.

2. *quoad sacra* parish.

3. chapel of ease.

A & S denotes assistant and successor,

APPENDIX B

MINISTERS INDUCTED TO ESTABLISHED CHURCH CHARGES IN THREE PRESBYTERIES 1843 - 1850

Column

1. Name of Parish
2. Name of the minister inducted into the parish also the reason and date he vacated the charge.
3. Previous minister - the name of the previous incumbent of the parish also the reason and date he vacated the charge.
Note. This column is blank in four cases where ministers were the first assistant and successor.

Abbreviations used in columns 2 and 3.

a/s	ordained as assistant and successor
d.	died
dem.	demitted the charge
dep.	deposed by General Assembly
F.C.	joined the Free Church in May, 1843
res.	resigned the charge

4. When induct - date of the new minister's induction
5. Vac (mths) - the number of months the vacancy lasted
6. Years ord. - the number of years the new minister had been ordained before being inducted to the parish. A zero in this column indicates a probationer being ordained and inducted to his first charge.
7. Age at Induct. - The age of the new minister at the time of his induction

APPENDIX B

MINISTERS INDUCTED TO ESTABLISHED CHURCH CHARGES IN THREE PRESBYTERIES 1843 - 1850

Parish	Minister's Name	Previous Minister	When Induct.	Vac. (mths)	Years Ord.	Age at Induct
<u>PRESBYTERY OF CUPAR</u>						
Auchtermuchty	John Ferries res. 11/52	R. Johnstone to Logie 4/44	9/44	5	1	NK
Ceres	Robt. Cook ¹ a/s d. 12/51	J. Duncan a/s F.C.	7/44	14	24	51
Collessie	R. Williamson d. 11/87	J. Macfarlane F.C.	9/43	4	0	40
Cupar 1st charge	Jas. Cochrane d. 5/77	A. Cairns F.C.	8/43	3	1	33
2nd Charge	Jas. Wordie ² d. 3/62	J. Cochrane to 1st charge	1/44	4	18	44
Dairsie	John Stewart ³ d. 6/50	A. Macgillivray F.C.	3/44	10	0	NK
	Geo. Scott d. 1/61	J. Stewart	9/50	3	6	54
Dunbog	J. Gilchrist to Clachman- nan 8/62	J. Murray F.C.	9/43	4	1	30
Falkland	And. Wilson to Paisley 8/52	G. Smeaton F.C.	9/43	4	0	27
Flisk	R. Fisher d. 6/85	J. Taylor F.C.	9/43	4	0	34
Logie	Wm. Watson d. 10/73	A. Melville F.C.	9/43	4	0	29
Monimail	Wm. Leitch ⁴ res. 11/61	J. Brodie F.C.	9/43	4	0	29
Moonzie	Alex. Forbes d. 11/57	A. Kidd d. 10/46	4/47	6	0	45
Strathmiglo	A. McIntyre ⁵ res. 5/53	G. Middleton ⁶ res. 6/43	12/43	6	3mths	26
<u>PRESBYTERY OF DUNDEE</u>						
Abernyte	John Smeaton a/s to Tulliallen 3/48		1/44		0	29
	Rob. Graham a/s to Erroll 4/58	John Smeaton	7/48	4	0	29
Auchterhouse	H. Lyell a/s d. 5/78		2/44		0	32

Parish	Minister's Name	Previous Minister	When Induct.	Vac. (mths)	Years Ord.	Age at Induct
Broughty Ferry	A. McIntyre to Strathmiglo 12/43	D. Davidson F.C.	9/43	4	0	26
	John Wood ² d. 4/64	A. McIntyre	4/44	4	19	50
Dundee						
St. Marys	Chas. Adie ⁶ d. 6/61	A. McLachlan d. 3/48	7/48	3	34	63
Chapelshade	Wm. A. Smith to Towie 1/52	Wm. Reid F.C.	1/49	55 ³	24	NK
St. Davids	J. Adamson d. 4/52	G. Lewis F.C.	2/44	9	5	35
St. Johns	J. Anderson to Perth 2/45	J. Roxburgh F.C.	8/44	15 ¹⁰		0 22
	A. Johnstone ¹¹ to Paisley 9/46	J. Anderson	2/46	12	8	30
	Jas. Caesar to Panbride 2/51	A. Johnstone	4/47	7	0	27
Dundee						
St. Pauls	John Tulloch ¹² to Kettins 9/49	D. Arnott to Edinburgh St. Giles 7/43	3/45	20	0	21
Lochee	Jas. Forsyth d. 1882	W. Stewart F.C.	8/45	27 ¹³		27
St. Andrews	Jas. Rankin a/s to Kinnaird 11/45	J. Ewing F.C.	2/45	21	11	34
	Rich. Logan a/s d. 1871	J. Rankin	1/46	3	11	47
Kinnaird	Jas. Rankin a/s d. 1868		11/45		11	34
Longforgan	Wm. Ritchie d. 1895	R. Walker F.C.	10/43	5	5	38
Mains and Strathmartine	J. Robertson to Edinburgh 1866	D. Cannan ¹⁴ dem. 6/48	9/48	3	0	NK
Monifeith	Alex. Todd dep. 5/53	S. Miller F.C.	12/43	7	1	28
Monikie	Thos. McKie to Erskine 1/52	J. Miller F.C.	11/43	6	0	29
Tealing	Wm. Elder d. 8/90	D. Mellis F.C.	9/43	4	13	39

Parish	Minister's Name	Previous Minister	When Induct.	Vac. (mths)	Years Ord.	Age at Induct
<u>PRESBYTERY OF ST. ANDREWS</u>						
Anstruther Easter	Thos. Cutlar d. 1857	Wm. Ferrie F.C.	9/43	4	0	43
Cameron	Wm. Milligan to Kilconquhar 10/50	A. Brown d. 12/43	5/44	5	0	33
Cameron	Wm. Dickson ¹⁵ dem. 10/63	W. Milligan	9/51	11	0	27
Dunino	John Burns d. 11/63	J. Roger d. 11/49	6/50	7	1	34
Ferryport	Wm. Burt dep. 5/53	W. Nicolson F.C.	11/43	6	0	NK
Forgan	Dav. Thomson d. 1884	C. Nairn F.C.	9/43	4	0	32
Kemback	Thos. Easton d. 7/45	J. Macdonald d. 9/43	1/44	3	0	28
	D. Carruthers d. 10/51	T. Easton	2/46	7	0	29
Largo	Joe Goodsir ¹⁶ res. 11/50	R. Brown F.C.	8/43	3	0	28
Newburn	A. Urquhart d. 3/85	T. Laurie d. 3/43	8/43	3	0	46
St. Leonards	John Cook ¹⁷ dem. 9/63	J. Hunter d. 2/45	10/45	7	16	38
St. Monans	Chas. Fowler a/s to Auldearn 9/43		4/43		0	26
	David Foggo a/s d. 5/83	C. Fowler	7/44	10	0	34

Source - Fasti vol V

NOTES

1. Induction opposed - see pp. 140-41 above
2. From Jamaica where he was minister of the Scots Church, Kingston
3. Admitted to Glasgow Asylum in 1845. His parish duties were carried out by unordained assistants until his death.
4. Resigned to become Professor of Divinity, Queen's College, Kingston, Canada.
5. Resigned due to mental illness
6. Resigned to become a timber merchant
7. From England where he was minister of the Scots Church, Monkwearmouth, Sunderland.
8. From Dundee, South Church.

9. The Established Church had difficulty in getting the Free Church congregation to vacate the building.
10. The relatively long period of the vacancy was due to the Burgh Council, the patron of five burgh churches, attempting to secure the closure of one of them.
11. From Brazil where as a minister of the Secession Church he had been chaplain to a mining company.
12. Later Principal of St. Mary's College, St. Andrews
13. The Established Church had difficulty in getting the Free Church congregation to vacate the building. Eventually this was accomplished when Dundee Presbytery cleared the outstanding debts on the building.
14. Demitted because of ill health.
15. Demitted to become Professor of Biblical Criticism in Glasgow.
16. Resigned because he claimed that the standards of the Church were not consistent with Scripture.
17. A nephew of Prof. George Cook. He demitted this charge to become Professor of Church History in St. Andrews.

APPENDIX C

SOCIAL CHARACTERISTICS OF ELDERS SERVING ON KIRK SESSIONS IN THREE PRESBYTERIES, MAY, 1843

Elders are listed under the name of the parish in which they were serving as members of session. The name of each parish is followed by the word "minister" followed by either:-

"F.C." - denoting that the minister joined the Free Church or by "Established" - denoting that the minister adhered to the Established Church.

Column

1. NAME - name of the elder.
2. OCCUPATION - occupation of the elder as shown either in the appropriate 1841 Census Enumerator's Book or in the kirk session records.
N.B. The letters HLW are an abbreviation for hand loom weaver.
3. SOC. STAT. - social status of the elder as explained in Chap. 8 *pp. 216-19*
4. JOIN F.C.
yes - the elder joined the Free Church.
no - the elder remained in the Established Church.
5. YEARS ORD. - the number of years the elder has been a member of the parish kirk session. The symbol "+" following a number indicates the minimum number of years a man had been an elder but for whom the date of ordination is not recorded.
6. AGE 1841 - the elder's age as shown in the 1841 Census Enumerator's book.
7. NO. SERV. - the number of servants living in an elder's household.
8. DUN. PAR. - an abbreviation for the *quoad sacra* parish in the Burgh of Dundee in which the General Kirk Session records show that the elder served. An explanation appears on the next page.

Parish	Abbrev- ation.	Minister
Chapelshade	CHA	William Reid
Dudhope	DUD	Alex McPherson
Gaelic Chapel	GAE	Chas. Macalister
Hilltown	HIL	John Baxter
Lochee	LOC	William Stewart
Mariners Mission	MAR	James Law
St. Andrews	SAN	James Ewing
St. Clements	SCL	James Thomson
St. Davids	SDA	George Lewis
St. Johns	SJO	John Roxburgh
St. Marys	SMA	Arch. McLachlan
St. Pauls	SPA	David Arnot
St. Peters	SPE	vacant
South Church	SOU	Chas. Adie
Wallacetown	WAL	Patrick Millar
Williston	WIL	Robert Aiken

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
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PRESBYTERY OF CUPAR

<u>Parish of Auchtermuchty</u>		minister Established					
John Anderson	Agent	M	no	10			
John Beveridge	Wheelwright	M	yes	10	65		
Arch. Dickson	Schoolmaster	M	no	6	45	0	
Francis McArthur	Cooper	M	no	9	50	0	
John Whyte	Mason	M	no	6	35	0	
<u>Parish of Ceres</u>		minister Established					
Andrew Birrell	Farmer	M	no	6	70	1	
Walter Bissett	Carpenter	M	yes	6	40	0	
Andrew Dunsire	Farmer	M	yes	6			
<u>Parish of Collessie</u>		minister F.C.					
James Dalgleish	Independent	H	yes	7			
David Douglas	Farmer	M	no	10+	55		
David Maitland- Makgil-Crichton	Independent	H	yes	10+	40	4	
David Melville	Farmer	M	yes	7			
Wm. Walker	Independent	H	yes	10+	75		
James Wilkie	Farmer	M	yes	7	55	1	
<u>Parish of Creich</u>		minister Established					
James Boyd	Wright	M	yes	8	45	1	
Arch. O. Dalgleish	Army H.P.	H	yes	8	40	3	
<u>Parish of Cults</u>		minister Established					
John Duncan	Farmer	M	yes	5+			
Heriot Kinnissmonth	Landowner	H	yes	5+			
<u>Parish of Cupar</u>		minister 1st charge F.C., 2nd charge Established					
James Carstairs	Town clerk	H	no	5+			
John Coutts	Banker	H	no	20	55	0	
James Dalgleish	Independent	H	yes	5+			
Wm. Gilchrist	Farmer	M	no	9			
Charles Grace	Doctor	M	yes	9	55	2	
Duncan McIntyre	Manufacturer	M	yes	9	50	1	
Wm. Pagan	Writer	H	no	9	35	3	
James H. Rigg	Landowner	H	yes	16+	55	11	

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
James Wemyss	Independent	H	no	9			
<u>St. Marys</u>			minister	Established			
Alex. Bayne			yes	5+			
Wm. Henderson			yes	5+			
Oliver Melville	Baker	M	yes	5+	30	1	
James Morrison	HLW	M	yes	5+	60	0	
Wm. Smith	Manufacturer	M	yes	5+	60	1	
<u>Parish of Dairsie</u>			minister	F.C.			
Wm. Brodie	Wright	M	no	6			
James Henderson	HLW	M	yes	1	45	0	
<u>Parish of Dunbog</u>			minister	F.C.			
no elders on session							
<u>Parish of Falkland</u>			minister	F.C.			
James Cameron	Independent	H	no	14	70	0	
Chris. Campbell	Farmer	M	yes	2	45	1	
Thos. Menzies	HLW	M	no	2	50	0	
Wm. Tasker	Schoolmaster	M	yes	2	25	1	
John Wishart	Joiner	M	no	14	60	0	
<u>Parish of Flisk</u>			minister	F.C.			
no elders on session							
<u>Parish of Kettle</u>			minister	Established			
James Heriot	Landowner	H	yes	5	65	4	
David Laing	Linen HLW	M	yes	8	60	0	
Henry Mackie	Ag. lab.	L	no	8	60	0	
David Nain	Linen HLW	M	yes	8	55	0	
<u>Parish of Kilmany</u>			minister	Established			
Wm. McGillivray	Schoolmaster	M	no	5	45	0	
John Miller	Shoemaker	M	no	5	40	1	
<u>Parish of Logie</u>			minister	F.C.			
Arthur Kinnear	Shoemaker	M	yes	3	40	0	
George Kirk	Ag. lab.	L	yes	3	50	0	
James Paul	Contractor	M	yes	3	50	0	
David Reid	Farmer	H	yes	15+	70	2	

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
Alex. Smith Thomson	Schoolmaster	M	no	1			
<u>Parish of Monimail</u>		minister F.C.					
Earl of Leven	Independent	H	no	9	55	16	
Andrew Myles	Flax HLW	M	yes	9	50	0	
David Smith	Farmer	M	no	9			
Wm. Smith	Master miller	H	yes	9	65	3	
<u>Parish of Moonzie</u>		minister Established					
Geo. Cunningham	Schoolmaster	M	no	15+	60	1	
John Govan	Writer	H	no	10			
<u>Parish of Newburgh</u>		minister Established					
Walter Malcolm	Writer	H	no	8			
James Stobie	HLW	M	no	8	60	0	
Stephen Williamson	Writer	H	no	15+	70	0	
James Wilson	Schoolmaster	M	no	15+	45	0	
Robert Wilson	Baker	M	no	15+	50	1	
<u>Parish of Strathmiglo</u>		minister Established					
Chas. Logue	Linen HLW	M	yes	1+	40	0	
Geo. Miller snr.	Linen Manufr.	H	yes	8+	80	2	
Geo. Miller jnr.	Linen HLW	M	yes	1+	30	0	
John Peat			yes	1+			
James Todd	Farmer	H	yes	1+	40	2	

PRESBYTERY OF ST. ANDREWS

<u>Parish of Anstruther Easter</u>		minister F.C.					
Thos. Brown	Tailor	M	yes	4	35		
Geo. Dairsie	Farmer	M	yes	4	30	1	
James Gay	Tailor	M	no	14	80	0	
James Morris	Builder	M	yes	4	40	0	
David Strachan	Shoemaker	M	yes	12	40	0	
David Tod	Shoemaker	M	yes	14	70	0	
<u>Parish of Anstruther Wester</u>		minister Established					
John Colbert	Ag. lab.	L	no	3	55	0	
Thos. Landale	Writer	H	no	3			
David Mentiplay	Ag. lab.	L	no	3	45	0	

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
Rob. Peebles	Mason	M	no	8	65	1	
Rob. Taylor	Mason	M	no	3	60	0	
<u>Parish of Cameron</u>		minister Established					
James Guild	Farmer	M	no	2+	60	2	
Henry Maxwell	Schoolmaster	M	no	4+	50	0	
David Robertson	Fuar/Spirit dealer	M	no	1+	40	0	
<u>Parish of Carnbee</u>		minister Established					
John Bisset	Farmer	M	no	5	35	1	
John Cunningham	Farmer	H	no	5	60	3	
James Forgan	Farmer	M	no	5	60	0	
Wm. Lindsay	HLW	M	no	5	60	0	
John Morton	Farmer	M	no	5	55	2	
Rob. Smythe	Independent	H	no	27	60	4	
David Wilson	Schoolmaster	M	no	51	75	1	
<u>Parish of Craill</u>		minister Established					
David Crombie	Farmer	M	no	11	40	1	
Thomas Emmerson	Druggist	M	yes	23+	75	0	
James Webster	Schoolmaster	M	no	11	40	0	
<u>Parish of Ferryport on Craig</u>		minister F.C.					
James Baird	HLW	M	yes	14	50	0	
Alex. Christie	Merchant	M	yes	9	40	1	
Rob. Dow	Grocer	M	yes	14	60	0	
John Ireland	HLW	M	yes	9	40	0	
David Mills	Independent	H	yes	12	45	1	
<u>Parish of Forgan</u>		minister F.C.					
James Brown	Linen Manufr.	H	no	7	45	2	
Alex. Rhind	Corn merchant	H	yes	7	50	4	
Alex. Russell	Farmer	H	no	7	60	3	
Henry Smyth	Schoolmaster	M	no	7	25	1	
<u>Parish of Kemback</u>		minister Established					
Gen. Alex. Bethune	Army rtd.	H	no	10+	70		
Rob. B. Dalgleish	Army H.P.	H	no	10+	45	3	

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
<u>Parish of Kilconquhar</u>		minister Established					
John Galloway	Farmer	M	no	3	60	0	
James McLaurin	Schoolmaster	M	no	13	50	1	
David Mather	Wright	M	no	13+	65	0	
Rob. Norrie	Joiner	M	no	13	40	0	
Arch. Robertson	HLW	M	no	13	55	0	
Wm. Robertson	Surgeon	M	no	13+			
John Todd	Surgeon	M	no	13	40	2	
John Watson	Schoolmaster	M	no	9			
John Wood	Banker	H	no	9	40	3	
<u>Parish of Kilrenny</u>		minister Established					
Thos. Brown	Fisherman	M	yes	11	45	0	
Rob. Malcolm			no	13+	70		
<u>Parish of Kingsbarns</u>		minister Established					
David Anderson	Blacksmith	M	no	15+	70	0	
James Gillespie	Cabinet maker	M	no	5	35	0	
Alex. Latto	Schoolmaster	M	no	15+	50	0	
David Roger	Farmer	M	no	5	55	1	
Lawrence Scott	Carpenter	M	no	5	30	1	
David Wallace			no	15+			
<u>Parish of Largo</u>		minister F.C.					
John Anderson	Labourer	L	yes	9	45	0	
John Berwick	Farmer	M	yes	13	45	0	
James Black	Schoolmaster	M	no	15+	65	0	
Gen. Jas. Durham	Army rtd.	H	no	15+	55	7	
David Millie	Farmer	H	yes	9	50	2	
David Mitchell	Wright	M	yes	9	60	0	
Wm. Munro	HLW	M	yes	15+	70	0	
Wm. Webster	Farmer	M	no	9	60	0	
<u>Parish of Leuchars</u>		minister Established					
Peter Christie	Farmer	M	yes	4	35	2	
James Cunningham	Blacksmith	M	yes	4	45	0	
David Edie	Farmer	M	yes	13+	60	1	
Alex. Grant	Schoolmaster	M	no	13+	45	1	

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
Wm. Lawson	Independent	H	no	4	50	3	
Rob. Melville	HLW	M	yes	4	40	0	
John Smith	HLW	M	yes	13+	70	0	
Peter Walker	Landowner	H	yes	13+	45	3	
<u>Parish of Newburn</u>		parish vacant					
James Bellingal	Factor	M	yes	1+	40	1	
Wm. Morgan	Farmer	M	no	2+	40	2	
James Wyld	Independent	H	yes	1+	60	4	
<u>Parish of Pittenweem</u>		minister Established					
John Adamson	HLW	M	no	15+	75	0	
David Affleck	Ag. lab.	L	no	15+	80	0	
Rob. Brown	Shoemaker	M	yes	3	30	0	
Wm. Dickson	Schoolmaster	M	no	3	35	1	
Geo. Morris	HLW	M	no	3	60	0	
Alex. Nicholson	Baker	M	yes	15+	65	0	
Alex. Nicholson	Mason	M	yes	3	30	0	
James Simpson	Town clerk	H	no	15+	50	2	
Andrew Tod	Baker	M	yes	3	30	1	
Wm. Wilkie	Grocer	M	no	3	45	0	
<u>Parish of St. Andrews</u>		both ministers Established					
John Bain	Banker	H	no	13	40	3	
David Beattie	Teacher	M	no	8	40	0	
Wm. Carmichael	Teacher	M	yes	8	30	0	
Geo. Govan	Physician	H	no	4	50	4	
David Hain	Farmer	H	no	8	50	3	
David Hill			no	12			
Thos. Jackson	Prof. Bib. Crit.	H	no	6	40	2	
John Kennedy	Builder	M	yes	4	50	1	
Alex. Lindsay	Independent	H	no	1	35	4	
John McCulloch	Builder	M	yes	4	65	0	
Alex. Meldrum	Independent	H	yes	13	40	5	
Andrew Mitchell	Shoemaker	M	no	1	60	0	
Thos. Motion	Shoemaker	M	no	1	40	0	
Patrick Mudie ,	Physician	H	no	4	60	3	

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
Wm. Playfair	Independent	H	no	4	55	6	
David Scott	Prof. Ori. Lang.	H	no	10	45		
James Scott	Merchant	H	no	8	40	2	
Wm. Sime	Clothier	M	no	1	40	1	
David Smeaton	Teacher	M	no	1	30	2	
Peter Steel	Draper	M	no	4	40	1	
Wm. Thomson	Physician	H	no	4	50	3	
James Whyte	Merchant	M	no	1	45	1	
Wm. Woodcock	Merchant	M	no	4	65	1	

Strathkinness

minister F.C.

Geo. B. Aitken	Tailor	M	yes	4+	35	0	
David Dishart	HLW	M	yes	4+	60	0	
Thos. Duncan	Prof. Maths.	H	yes	4+	60	1	
Rob. Gibb			yes	4+			

Parish of St. Leonards

minister Established

Adam Anderson	Prof. Nat. Phil.	H	no	10			
Andrew Alexander	Prof. Greek	H	no	14	55	3	
Sir David Brewster	Principal United College	H	yes	10	60	2	
Andrew Connell	Prof. Chem.	H	no	5	45	2	
Geo. Cook	Prof. Mor. Phil.	H	no	14	65	2	
John Dibbs	Merchant	M	no	14	75	1	
Thos. Gillespie	Physician	M	no	5+			
David Keay	Farmer	H	no	8	50	2	
Hugh Playfair	Independent	H	no	8	50	6	
John Small	Landowner	H	no	8	35	5	

Parish of St. Monans

minister Established

Sir Ralph Anstruther	Independent	H	no	10	35	12	
Thos. Brown	Cooper	M	no	15+	45	0	
Andrew Mackie	Brewer/baker	M	no	15+	55	2	
Alex. Simpson	Fisherman	M	no	15+	50	0	

Presbytery of Dundee

Parish of Broughty Ferry

minister F.C.

Leslie Gordon	Surgeon	M	yes	6+	30	1	
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Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
G. Smith			yes	6+	35		
David Scott	Shoemaker	M	yes	6+	35	0	
John Nichol	Carter	L	yes	6+	60	0	
<u>Parish of Dundee</u>			ministers 4	Established	11	F.C.	
Rob. Adam	Labourer	L	yes	12	60	0	LOC
Charles Air			no	9			LOC
David Anderson	Doctor	M	yes	4	30	1	SAN
Thos. Anderson	Mason	M	yes	1	50	0	DUD
John Archer	Grocer	M	yes	3	60	0	WIL
Wm. Balburnie	Slater	M	no	4	30	1	SAN
Alex. Balfour	Merchant/Manufr.	H	yes	23	70	2	SJO
James Banks	Writer	M	yes	3	25	0	WIL
Wm. Banks	Grocer	M	yes	3	35	0	WIL
Andrew Barclay	Mason	M	yes	0			WIL
John Barclay	Works manager	H	yes	1+			LOC
James Barland	Teacher	M	yes	0	50	0	SJO
Geo. Barrie	Teacher	M	yes	1			WAL
Geo. Barrie	Farmer	M	yes	1+	30	2	CHA
Geo. Bayne			no	20			
Wm Beharrie	Manufr.	M	no	12	40	1	
Thos. Bell	Merchant	H	no	23	80		
Alex. Blackie	Flaxdresser	M	yes	1	30	0	SDA
David Borrie	Shoemaker	M	yes	16	55	1	
Geo. Bower	Farmer	M	no	1	40	1	DUD
James Brodie	Grocer	M	yes	1+	40	0	
Samuel Brodie	Merchant	M	yes	14	35	2	SAN
Thos. Brough	Manufr.	H	yes	3	25	2	SMA
David Brown	Tailor	M	yes	0	35	0	CHA
David Brown	Grocer	M	yes	2	70	2	SDA
David Brown	HLW	M	yes	30			SPE
John Brown	Shipowner	H	yes	3	60	1	WIL
John R. Burns	Teacher	M	yes	4	40	1	CHA
David Butchart	Manufr.	M	yes	23	55	0	
Edward Caird	Merchant	M	yes	3	35	0	SPE

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
John Calman	Shipbuilder	H	no	23	60	3	SPE
David Campbell	Tailor	M	no	18	45	0	
James Clark	Shipbroker	M	yes	18	40	1	HIL
Thos. Cowper	Shipowner	H	yes	1			VAL
David Crichton	Shipowner	H	yes	16	50	3	CHA
A. Davidson			yes	1+			
David Davidson	Slater	M	yes	0	40	0	SJO
Thos. Dempster	Upholsterer	M	yes	0			SJO
David Dick	Hosier	M	yes	1	25	1	SDA
Thos. Dodds	Farmer	M	no	3	50	1	SMA
James Duncan			yes	1+			
Peter Duncan	Inspector of poor	M	yes	0	30		SPE
David Edwards	Tenter	L	yes	0	25	0	SPE
Andrew Elder	HLW	M	yes	2	50	0	SDA
James Elders	Gardener	M	yes	4	40	0	CHA
Wm. Fairweather	Merchant	M	yes	12	40	0	SAN
Jas. Farquharson	Smith	M	yes	1	45	0	VAL
Henry B. Ferguson	Manufr.	H	yes	1	25		HIL
Thos. Ferguson	Manufr.	M	no	7+			SAN
Wm. Ferguson	Manufr.	M	yes	5+	55	1	HIL
Andrew Findal	Wright	M	no	1+	35	0	LOC
Finlay Frazer	Shoemaker	M	yes	5+	35	0	HIL
Andrew Fyffe	Manufr.	M	yes	12			CHA
John Gardyne	Baker	M	no	12	55	1	
John Gibson	HLW	M	yes	3	30	0	WIL
Wm. Gibson	Shoemaker	M	yes	1	35	1	VAL
Wm. Gibson	Manufr.	M	yes	12	55	0	SPE
John Grant	Gardener	M	yes	1	70	2	VAL
Geo. M. Gray	Merchant	H	yes	0	35	3	SJO
Francis Guild	Teacher	M	yes	23	55	0	SJO
David Guthrie	Merchant	M	yes	9	55		LOC
John Hardie	Sailmaker	M	yes	0	25	0	WIL
Alex. Hean	Builder	M	yes	12	45	1	SJO

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
James Henderson	Linen Merchant	M	yes	2	35	0	SDA
Wm. Henderson	Mill manager	M	yes	9			CHA
James Hill	Accountant	M	no	8	35	1	SJO
Wm. Hutton	Grocer	M	yes	4	35	0	SAN
Henry Jack	Druggist	M	yes	16	40	1	SAN
John Jack	Harbour master/ ship owner	M	no	3	45	1	SCL
David Jobson	Baker	M	yes	0	40	0	SJO
Patrick Just	Merchant	M	yes	1	30	1	SCL
Alex. Kay	Merchant	H	no	23	55	2	SCL
John Keith	HLW	M	yes	4+	60	0	
John Kerr	Machine maker	M	yes	16	45	1	SDA
David Key			yes	30			
John Kidd	Wine merchant	M	yes	4	25	1	SAN
James Knight	Wright	M	yes	7+	45	0	SAN
James Kyd	Quarrier	M	yes	8	40	0	SJO
Thos. Kyd	Fuar	H	yes	23			CHA
Peter Laird	Meal seller	M	yes	12			
Peter Laird	Tailor	M	yes	4	40	1	CHA
Wm. Lamb	Merchant	M	yes	0			SPE
John Langlands	Grocer	M	yes	1	25	1	SCL
James Lennox	Hatter	M	yes	3	40	1	
James Lennox	Cloth lapper	L	yes	4+	40	0	WIL
Andrew Liddle	HLW	M	no	4+	75	0	CHA
Rob. Lindsay	Grocer	M	yes	3	40	0	HIL
Matthew Love			yes	3			WIL
Wm. Low	Tailor	M	yes	7+			SAN
John Lundie	Watchmaker	M	no	12	55	0	
Alex. McDonald	Merchant	M	yes	8	50	1	SCL
James McDonald	Teacher	M	yes	2	25	0	SDA
John McGibbon	Porter	L	yes	0	50	0	CHA
John McIntyre	Bleacher	M	no	3	30	1	SMA
Thos. McKay	HLW	M	no	8	55	0	SPE
John McKellar			no	16			SJO

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
Peter Mackie	Shoemaker	M	no	6	35	0	SDA
James McLean	Manufr.	M	yes	7+	50	0	SAN
Alex. Martin	Shipowner	M	no	12	55	1	
David Martin	Merchant	M	yes	20	60	2	SJO
David Martin	Merchant banker	H	yes	4+	55	2	SAN
James Martin	Banker	M	no	0	25	1	SJO
John Martin	Shoemaker	M	no	30	55	0	
John Martin	Flaxspinner	M	yes	1+	40	0	
John Matthewson	Tea merchant	M	yes	0	40	0	SPE
John Maxwell	Doctor	M	no	30	75	2	
Wm. Middleton	Bookseller	M	yes	0	30	0	SJO
James Milne	Grocer	M	no	16			
Thos. Miller	Brewer	M	yes	11+	60	1	SJO
Patrick Milne	Grocer	M	yes	20	60	1	
David Moncur	Merchant	M	yes	0	35	2	SPE
Wm. Morris	Collector	H	no	5	35	2	SCL
Wm. Munro	Surgeon	M	yes	0	30	1	WIL
Rob. A. Mudie	Clerk	M	yes	0			WIL
Andrew Neilson	Clerk	M	yes	3	40	2	SPE
Walter Newall	Merchant	M	yes	12			
James Nicoll	Merchant	M	no	23	50	0	
Rob. Nicoll	Grocer	M	yes	12	40	1	CHA
Wm. Nicol	Shoemaker	M	yes	2	40	0	SDA
Matthew Nimmo	Surgeon	M	yes	1	40	2	SDA
David B. Niven	Agent	M	yes	7+	40	1	SMA
Wm. Paterson	Architect	M	yes	3	35	0	SCL
James Pennycuik	Merchant	M	no	3	65	1	SMA
Geo. Petrie	Fuar	H	yes	1	55	0	WAL
Alex. Philip	Packer	L	yes	4	50	0	SAN
Geo. Philip	Manufacturer	M	yes	1			DUD
Geo. Philip			no	1+			
Thos. Pitheathly	Merchant	M	no	16	45	0	SMA
John Pride	Tailor	M	yes	0	55	0	WIL
Thos. Rait	Baker	M	yes	0	35	1	CHA

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
Wm. Reid	Writer	H	no	3	45	2	SMA
James Richardson	Porter	L	yes	1			HIL
Alex. Robertson	Teacher	M	yes	1	25	0	HIL
Alex. Robertson	Starcher	L	yes	1			HIL
Neil Robertson	Surveyor	M	no	8			SDA
Chas. Roger	Tobacconist	M	yes	13	55	0	
Chas. Y. Roger	Independent	M	yes	20	45	0	
David Roger	Tailor	M	yes	16	60	0	SDA
Wm. Roger	Shipwright	L	yes	4	40	0	SDA
John Salmond	Blacksmith	M	yes	3	40	0	HIL
Andrew Scott	Builder	M	yes	7+	40	1	SMA
Wm. Shane	Merchant	M	yes	7+			SAN
Matthew Shepherd	Teacher	M	no	6	35	0	SDA
Mungo Shepherd	Merchant	M	no	45	80	0	
Wm. Sime	Wright	M	yes	16	50	1	SPA
John Small	Grocer	M	yes	7+	45	1	SAN
John A. Small	Baker	M	no	4+	45	2	SJO
James Small	Manufr.	M	yes	20	60	1	SJO
James Smeaton	Merchant	M	yes	1	35	0	HIL
Alex. Smith			no	30			
Henry Smith	Linen manufr.	M	no	7+	50	1	SMA
James Smith	Merchant/church treasurer	M	no	23	50	0	SMA
James Smith	Flax merchant	M	no	11+	50	1	
John A. Smith	Baker	M	yes	12	40	2	SMA
Stewart Spence	Manufr.	M	no	20	40	1	SAN
Peter Stewart	Wine & spirit merchant	M	yes	1+	40	0	SJO
Andrew Storrier	Linen manufr.	M	yes	4+	40	1	SJO
John Strachan	Merchant	M	yes	7+			SMA
Peter Stuart	Merchant	M	yes	8	35	0	SCL
Alex. Stuart	Grocer	M	yes	5	40	2	SCL
John Symers	Banker	H	no	12	45	3	
Wm. Tait	Cooper	L	no	8	35	0	SDA
Wm. O. Taylor	Shipowner	M	no	3	40	1	SCL

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
James Thain	Shipowner	H	yes	8	40	3	SJO
Patrick H. Thoms	Banker	H	yes	20	45	3	SPE
Wm. Thoms	Baxter (baker)	M	no	7+	35	2	SMA
Jas. Thomson	Manufr.	M	yes	23	65	1	
Peter Thomson	Merchant	M	yes	30	70	1	SPE
Wm. Thomson	Mill manager	M	no	10			
James Wallace	Shoemaker	M	yes	3			SPE
Alex. Warden	Linen manufr.	M	yes	4	30	1	HIL
David Webster	Gas inspector	M	yes	1+	40	0	
Francis Webster	Linen warper	L	yes	4	40	0	HIL
James Wilkie	Farmer	M	yes	3			SMA
Wm. Will	Lapper	L	yes	4	30	0	HIL
John Wilson	Banker	H	yes	30	60	1	LOC
Thomas Wilson	Farmer	H	no	4+	50	2	LOC
James Young	Sawyer	M	yes	20	45	0	WAL
John Young	Tailor	M	no	9	45	0	SJO
Wm. Young	Painter	M	no	3	45	1	SMA
<u>Parish of Liff and Benvie</u>		minister Established					
James Dickson	Schoolmaster	M	no	2	35	0	
Charles Gray	Land agent	M	no	9	45	0	
John Hutchison	Farmer	M	yes	9	65	2	
James Osler	Farmer	M	no	15+	55	2	
Thos. Taylor	Independent	H	no	9			
<u>Parish of Murroes</u>		minister Established					
Wm. Fenton	Farmer	M	no	13	45	1	
Wm. Malcolm	Schoolmaster	M	no	1	35	0	
Peter Smith	Farmer	M	yes	13+	50	2	
? Webster			yes	1			
<u>Parish of Monikie</u>		minister F.C.					
James Currie			no	22			
David Gibson	Farmer	M	no	4	45	1	
<u>Parish of Monifieth</u>		minister F.C.					
Alex. Deans	Brewer	M	no	11	60	1	
Alex. Ferrier	Farmer/fuar	M	no	16	65	1	

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
Rob. Galloway	HLW	M	yes	6	65	0	
John Innes	Farmer	M	yes	6			
John Key	Farmer	M	yes	6	45	2	
John Strachan	Schoolmaster	M	no	6	35	1	
<u>Parish of Mains and Strathmartine</u>		minister Established					
James Bell	Farmer	H	no	15+	60	5	
Peter Bell	Farmer	M	no	15+	60	2	
John Cochrane	Linen manufr.	H	yes	8	35	3	
James Menzies			yes	15+			
Wm. Miller	Farmer	M	yes	15+	65	2	
A. Philip			yes	15+			
John Simpson	Schoolmaster	M	no	15+	50	0	
John Wilkie	Linen manufr.	M	yes	15+	80	1	
<u>Parish of Lundie and Fowlis Easter</u>		minister Established					
Geo. Bell	Farmer	M	no	15+	65	2	
Patrick Hunter	Farmer	H	no	2	50	3	
John Roy	Schoolmaster	M	no	4	45	0	
James Smith	Farmer	M	no	0			
Thos. Smith	Farmer	M	no	15+	35	1	
<u>Parish of Abernyte</u>		minister Established					
Rob. Fisher	Schoolmaster	M	no	9	30	1	
Alex McIntosh	Forrester	L	yes	2	30	0	
James Manson	Asst. minister	M	yes	2	30	0	
James Playfair	Independent	H	no	4	50	2	
R. Knox Trotter	Independent	H	no	4			
<u>Parish of Longforgan</u>		minister F.C.					
Wm. Drummond	Farmer	H	no	9	40	2	
Peter Forbes	Schoolmaster	M	no	14+	75	0	
Thos. Hood	Farmer	M	no	9	45	1	
Geo. Keill	Farmer	M	no	9			
Peter Lowson	HLW	M	no	9	55	0	
John Prain	Farmer	M	no	9			
John Sellers	Mason	M	yes	9			
David Steel			no	13+			

Name	Occupation	Soc. Stat.	Join F.C.	Years Ord.	Age 1841	No. Serv.	Dun. Par.
<u>Parish of Auchterhouse</u>		minister Established					
Wm. Buchan	HLW	M	no	24	55	0	
Wm. Palmer	Independent	H	yes	6	40		
<u>Parish of Kinnaird</u>		minister Established					
John Dickson	Farmer	M	no	8+	35	1	
Alex. Forbes	Schoolmaster	M	no	8+	35	2	
John Reid	Farmer	H	no	8+	45	3	
<u>Parish of Inchtute and Rossie</u>		minister Established					
James McLaren	Land Steward	H	no	5+	55	3	
Thos. Reid	Schoolmaster	M	no	5+	55	0	
James Kidd	Gardener	M	no	5+	40	1	

Note. Elder's ages obtained from sources other than the 1841 census enumerators' books have been rounded down to make them compatible with that source.

Sources

1. Relevant Kirk Session minutes, minutes of the Presbyteries of Cupar, Dundee and St. Andrews.
2. Relevant Census Enumerators' Books for the 1841 and 1851 Censuses of Population.
3. Other sources
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APPENDIX D

MEMBERSHIP (1848) AND ATTENDANCE (1851) AT FREE CHURCHES FOUNDED IN 1843

Congregation	Minister ¹	Dawson ²² Church ⁴	Sunday School	Ewing ²³
<u>FREE PRESBYTERY OF CUPAR</u>				
Abdie & Newburgh ²⁵	John Murray ²⁶	221	95	190
Auchtermuchty	John Renton	380	76	194
Ceres	J. Donaldson			214
Giffordstown	John Macfarlane	202	29	190
Creich ²⁷	James Taylor ¹⁰	175	53	130
Cupar	Adam Cairns ²⁸	900 ¹¹	330	800
Dairsie	A. Macgillivray ²⁹	262	38	243
Falkland	John Smeaton ³⁰			142
Kettle & Cults	Macadam Grigor	170 ¹²	60	164
Logie & Gauldry ¹³	And. Melville ³¹			103
Monimail	James Brodie ³²	135	20	146
Strathmiglo	Wm. Macara	350	90	236

<u>FREE PRESBYTERY OF DUNDEE</u>				
Abernyte & Rait ¹⁴	Joseph Wilson	150	4	118 ¹⁵
Broughty Ferry	David Davison ¹⁶			250
Dundee				
Albert Square	Chas. MacAlister	206		90
Chapelshade	Wm. Reid ³³	1 000 ¹⁷	190	589
Dudhope	Alex. McPherson ³⁴			400
Mariners ¹⁸	James Law ³⁵	600 ¹⁹		84
St. Andrew's	James Ewing ³⁶	1 100 ²⁰	311	900
St. Peter's	Islay Burns			750
St. David's	George Lewis ³⁷			706
St. John's	John Roxburgh ³⁸	950	340	850
Lochee	Wm. Stewart ³⁹	520	88	420
Hilltown	John Baxter ⁴⁰			700
Wallacetown	Pat. L. Miller ⁴¹			405
Williston	Rob. Aitken ⁴²	760 ²²	200	537
Liff	W. R. Moncur	300	65	246

Congregation	Minister	Dawson Church	Sunday School	Ewing
Longforgan	Rob. Walker ²³	220	89	222
Mains & Strathmartine	A.G. MacGillivray	190	40	160
Monifieth	Samuel Miller ²³	400	120	254
Monikie	James Miller ²³	100	27	93
Tealing	David Mellis ²³	350	104	200
<u>FREE PRESBYTERY OF ST. ANDREW'S</u>				
Anstruther ²³	Wm. Ferrie ²³			380
Crail	John Hendry			180
Ferryport on Craig	Wm. Nicholson ²³			450
Forgan	Chas. Nairn ²³			450
Largo	Rob. Brown	170	50	256
Leuchars	A. Cleghorn	280	92	294
St. Andrew's	Wm. Hetherington			565
Strathkinness	Ralph Robb	265	66	190

Sources:- Dawson, *Statistical History*, 1855. Ewing, *Annals of the Free Church*, 1914.

NOTES ON Appendix D

1. Name of first minister.
2. Dawson's data are discussed in Chap. 6 pp. 10-11.
3. Ewing gives membership figures for 1848.
4. Where the attendance at more than one service in the day is available the larger (est) attendance is shown in the table.
5. The civil parish of Dunbog was also included in this charge.
6. Former minister of Dunbog parish.
7. In Collessie civil parish.
8. Former minister of the parish.
9. Serving the civil parishes of Creich and Flisk.
10. Former minister of Flisk parish.
11. Dawson actually gives 800-1 000. The summary of the Religious Census (in the only figures for an individual parish in the Presbytery) gives the attendance as morning 850, afternoon 950.
12. Actual figures:- morning 170, afternoon 168.

13. Gauldry is a small village in the Parish of Balmerino and is about 2½ miles from the village of Logie. Thus the church was sited to serve the civil parishes of Logie, Kilmany and Balmerino.
 14. The civil parish of Rait came within the bounds of the Free Presbytery of Dundee in 1845.
 15. In 1855.
 16. Davidson had been minister of the *quoad scara* parish of Broughty Ferry from 1827. He died 25th August, 1843.
 17. Actual figures:- morning 650, afternoon 800, evening 1 000.
 18. Before the Disruption this was a chapel of ease for seamen, fishermen, dock workers and their families.
 19. Actual figures:- morning 500, afternoon 600.
 20. Actual figures:- morning 800, afternoon 1 100.
 21. Actual figures:- morning 400, afternoon 520, evening 400.
 22. Actual figures:- morning 600, afternoon 760.
 23. Serving the civil parishes of Anstruther Easter and Wester and part of Kilrenny.
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